

ORDINANCE NO. 3003

AN ORDINANCE DESIGNATING ONE-WAY STREETS AND FIXING DIRECTION OF TRAFFIC MOVEMENT THEREON; REPEALING ORDINANCES IN CONFLICT THEREWITH

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

SECTION 1: When properly posted, traffic shall move only in the direction indicated elsewhere in this Title on each of the streets, or portions of the streets, described in this Title.

SECTION 2: On the street running parallel to East Fifth Avenue, between Oak Street and Main Street (and being a part of the Court-house Square in Block 46 of the original City of Garnett), vehicular traffic shall move only from west to east thereon.

SECTION 3. On the alley between and parallel to Sixth and Seventh Avenues, from Maple Street to Vine Street, vehicular traffic shall move from west to east thereon.

SECTION 4: On the alley between Fourth and Fifth Avenues, from Maple Street to Vine Street, vehicular traffic shall move from east to west thereon.

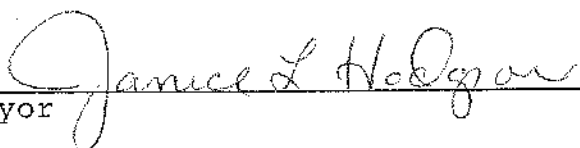
SECTION 5: On the loading zone north of Longfellow School, parallel to and adjacent immediately to the south of the paved portion of Sixth Avenue, vehicular traffic shall move from west to east thereon.

SECTION 6: The official codifier of the City of Garnett is hereby instructed and directed to encode the above Ordinance as Title 10, Chapter 5 of such Municipal Code.

SECTION 7: All ordinances of the City of Garnett, Kansas, which are in conflict herewith are hereby repealed.


SECTION 8: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 30th day of December, 1991.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3006

AN ORDINANCE AMENDING TITLE 6, CHAPTER 2, SECTION 13 OF THE MUNICIPAL CODE RELATING TO NOISY DOGS; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER

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

SECTION 1: Title 6, Chapter 2, Section 13 of the Municipal Code is hereby amended to read as follows:

6-2-13: NOISY DOGS: It shall be unlawful for the owner of any dog to cause, permit, or allow such dog to howl, bark, or yelp so as to make excessive noise which disturbs the peace and quiet of the neighborhood. The phrase "excessive noise" used herein shall mean a noise which ^{is} so loud and continuous or untimely as to disturb the sleep or the peace of a neighbor.

SECTION 2: Title 6, Chapter 2, Section 13 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 and APPROVED This 28th day of January, 1992.

James L. Hodgson
Mayor

A T T E S T:

James E. Martin
City Clerk

ORDINANCE NO. 3013

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 21 OF THE MUNICIPAL CODE INCREASING FEES FOR CAMPING AT THE CITY PARKS; DEFINING TERMS; PROVIDING FOR ADDITIONAL RULES; REPEALING THE EXISTING PROVISIONS OF TITLE 9, CHAPTER 5, SECTION 21 AND TITLE 9, CHAPTER 5, SECTION 9

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

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

9-5-21: CAMPING IN CITY PARKS:

(A) Camping shall be permitted only in designated areas and camping in any other area is declared to be a misdemeanor. The City Commission may, upon written request, permit camping in other locations upon such terms and conditions as shall be specified by the Commission either in a written resolution approving the same or in a written contract. Anyone camping under the authority of such a resolution or contract shall have a copy of that document in their possession at all times and shall display such copy to any City Police Officer or Park Ranger.

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

Overnight camping (per unit/per night)	\$ 2.00
Overnight camping (per unit/per night) w/electric hook-up	5.00
Overnight camping (per unit/per night) w/electric hook-up and water	6.00
Annual camping fee for calendar year, per unit (in lieu of \$2.00 overnight fee)	30.00
Annual camping fee for calendar year, per unit w/electricity and water	50.00

Payment of the above fees shall be made to the City Clerk at City Hall during normal business hours; and after hours may be paid either to the Police Dispatcher at City Hall (side, west entrance), or may be paid to any City Police Officer or Park Ranger. Upon payment of the appropriate fee a distinctive sticker shall be issued by the City Clerk which shall be displayed in the windshield of the towing vehicle, or if a motor home, then in the windshield thereof.

(C) Definition: For the purpose of this Section, the term "camping unit" shall mean one (1) camping vehicle, tent, device, or other structure in which one or more persons sleep and which is occupied by a person or group of people who live together in the same residence and have the same residential address. If such group of people is what is commonly known as a family (a group of people headed by an adult, parent, or legal guardian, and he or she actually present at the campsite, together with minor, dependent children) then multiple camping units shall be permitted for a single camping unit fee so long as such group of camping units does not occupy more than one campsite space.

(D) All persons camping shall observe the following rules:

1. No camping unit shall stay at one campsite for more than seven (7) consecutive days, and upon completion of any camping period in excess of five (5) days, the camping unit shall not be re-admitted to that Park until five (5) additional days shall have elapsed following its departure.

2. No trailer or other camping conveyance or any camping equipment shall be left unattended for a period exceeding twenty-four (24) hours.

3. All park rules and regulations shall be observed and the failure to observe the same may form the basis for revoking the camping permit issued under this Section.

4. No camping permit shall be issued to any person under eighteen (18) years of age, nor shall any camping unit be permitted to remain at a campsite unless some person eighteen (18) years of age or older is available and responsible for it.

SECTION 2: Title 9, Chapter 5, Section 21 and Title 9, Chapter 5, Section 9 of the Municipal Code 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 and APPROVED This 28TH day of APRIL, 1992.

David L. Benjamin
Mayor

A T T E S T:

Jay E. Martin
City Clerk

ORDINANCE NO. 3017

AN ORDINANCE VACATING A PART OF 15TH AVENUE IN THE MANDОВI ADDITION TO THE CITY OF GARNETT, KANSAS; RESERVING UNTO THE CITY OF GARNETT AND TO ANY OTHER PUBLIC UTILITIES ANY RIGHTS-OF-WAY AND EASEMENTS; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST; ALL PURSUANT TO K.S.A. 14-423.

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

SECTION 1: The following described real estate situated in Anderson County, Kansas, to-wit:

All that part of 15th Avenue (formerly, on the original Plat, "Broadway") lying east of the east right-of-way line of Walnut Street and running thence east to the west right-of-way line of what was formerly the Atchison, Topeka & Santa Fe Railroad right-of-way;

be vacated as public street. Mandovi Addition was duly platted and the Plat was recorded in the Plat Book in the office of Register of Deeds of Anderson County, Kansas, at Page 16; was subsequently annexed into the City of Garnett, Kansas as an addition thereto.

SECTION 2: Vacation of the above-described public street is requested by the landowners now adjacent thereto and that said street has never actually been opened as a public street and presently the City of Garnett has utility apparatus installed in such a way as to make opening of a street impractical, if not presently impossible, and that to vacate the same presently will not in any way inconvenience the public, nor be adverse to the public interest.

SECTION 3: There is hereby reserved to the City of Garnett, Kansas, and to any other public utility now having any utility distribution or service equipment permanently located upon such tract, an easement over, through, and under the real estate described in Section 1 hereof for the purpose of installation, maintenance, removal, or re-installation of any utility services, including, but not limited to, electric, water, gas, telephone, and cable televisions, over and through said real estate, together with the right of ingress and egress.

SECTION 4: That within a period of thirty (30) days after the publication of this Ordinance, as provided by law, one or more interested persons may file a written protest to the vacation of the said public street in the office of City Clerk at City Hall in Garnett, Kansas; and unless such a written protest is filed within the said thirty (30) day period, this Ordinance shall become effective.


SECTION 5: 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 as provided in Section 4 above and by statute.

PASSED and APPROVED This 23rd day of June, 1992.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3020

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$6,430,000 PRINCIPAL AMOUNT OF COMBINED UTILITY REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 1992, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A PORTION OF THE COSTS OF ALTERATIONS, REPAIRS, EXTENSIONS, ENLARGEMENTS AND IMPROVEMENTS TO THE COMBINED UTILITY SYSTEM OF THE CITY AND THE COST OF REFUNDING THE OUTSTANDING REVENUE BONDS OF THE COMBINED UTILITY SYSTEM; MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO.

WHEREAS, the city of Garnett, Kansas (the "City"), is a municipal corporation duly created, organized and existing under the laws of the state of Kansas (the "State"); and

WHEREAS, the City is authorized under the provisions of the Act (as hereinafter defined), to issue and sell revenue bonds for the purpose of paying all or part of the cost of making alterations, repairs, extensions, enlargements and improvements to the Combined Utility System (as hereinafter defined), 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. 4/14/92-2 declared its intention under the Act to make alterations, repairs, extensions, enlargements and improvements to the Combined Utility System (the "Project") at an estimated cost of \$1,650,000 and to issue combined utility revenue bonds in an amount of not to exceed \$1,650,000; 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 City Clerk within 15 days after said publication date all as set forth in the Act; 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 City Clerk, the amount of said estimated cost being not less than \$1,528,158; and

WHEREAS, pursuant to the Act, the City has heretofore issued its Combined Utility Refunding Revenue Bonds, Series 1986, dated April 1, 1986 (the "Series 1986 Bonds"), and their remains outstanding and unpaid \$4,395,000 principal amount of the Series 1986 Bonds; and

WHEREAS, it is found and determined that in order to create interest cost savings and to provide a more economical and efficient program for the retirement of the indebtedness of the Combined Utility System, it is desirable and necessary to refund and redeem the Series 1986 Bonds; and

WHEREAS, the City does not have outstanding any bonds or other obligations payable from the revenues derived by the City from the operation of the Combined Utility System, other than the Series 1986 Bonds; and

WHEREAS, the City hereby finds and determines that it is necessary to authorize the issuance of the Bonds (as hereinafter defined) for the purposes set forth herein.

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 the words and terms defined elsewhere in this Ordinance, the following words and terms as used in this Ordinance shall have the following meanings:

"Act" shall mean the Constitution and all applicable statutes of the State including but not limited to K.S.A. 10-116a and K.S.A. 10-1201 et seq., all as amended.

"Additional Bonds" shall mean any bonds hereinafter issued pursuant to Article IX of the Resolution.

"Bonds" means the City's Combined Utility Refunding and Improvement Revenue Bonds, Series 1992, dated August 1, 1992, in the aggregate principal amount of \$6,430,000 authorized and issued pursuant to this Ordinance and any Additional Bonds.

"City" means the city of Garnett, Kansas.

"City Clerk" shall mean the duly appointed and acting City Clerk or, in the City Clerk's absence, the duly appointed Deputy City Clerk or Acting City Clerk of the City.

"Code" means the Internal Revenue Code of 1986, as amended, together with any regulations applicable thereto or promulgated thereunder by the United States Department of the Treasury.

"Combined Utility System" means the electric generating plants and all appurtenances thereto, the electric distribution system now serving the City and its inhabitants and others, together with all extensions, enlargements and improvements thereto hereafter made or acquired by the City; the entire waterworks plant and sewage system owned and operated by the City for the production, storage, treatment and distribution of water and the collection and treatment 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; and the gas system owned and operated by the City for the distribution of 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.

"Current Expenses" means all necessary expenses of operation, maintenance and repair of the Combined Utility System, including, current maintenance charges, expenses of reasonable upkeep and repairs, properly allocated share of charges for insurance, and all other expenses incident to the operation of the Combined Utility System, but shall exclude depreciation, all general administrative expenses of the City not related to the operation of the Combined Utility System, and the payments into the Bond Reserve Account and Depreciation and Replacement Account provided for and defined in the Resolution.

"Net Revenues" means Gross Revenues less Current Expenses.

"Ordinance" means this ordinance as from time to time amended in accordance with the terms hereof.

"Parity Bonds" means the Bonds and any bonds hereinafter issued pursuant to Sections 902 or 904 of the Resolution.

"Project" means the alterations, repairs, extensions, enlargements and improvements to be made to the Combined Utility System described in Resolution No. 4/14/92-2 of the City and referred to in the Preamble to this Ordinance.

"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.

"Series 1986 Bonds" means the Combined Utility System Refunding Revenue Bonds, Series 1986, of the City.

"Series 1986 Ordinance" means Ordinance No. 2769 of the City adopted on April 3, 1986, authorizing the issuance of the Series 1986 Bonds.

"State" means the state of Kansas.

Section 2. Authorization of the Bonds. There shall be issued and are hereby authorized and directed to be issued the Bonds of the City in the principal amount of \$6,430,000 for the purpose of providing funds to pay a portion of the costs of the Project and refunding and redeeming the Series 1986 Bonds as provided in this Ordinance.

Section 3. Security for the Bonds. The 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. The taxing power of the City is not pledged to the payment of the Bonds either as to principal or interest. The 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.

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 Resolution hereinafter adopted by the governing body of the City.

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 Combined Utility System, including all alterations, repairs, extensions, enlargements and improvements thereto hereafter constructed or acquired by the City, as will produce revenues sufficient to (a) pay the cost of the operation and maintenance of the Combined Utility System; (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 Bonds and the interest thereon and for the protection and benefit of the Combined Utility System of the City as provided in this Ordinance and the Resolution.

Section 6. Tax Covenants. The City covenants and agrees that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest on the Bonds under Section 103 of the Code. The City covenants and agrees that it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purpose for which the Bonds are issued as hereinbefore previously set forth, and that it will not directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City, or take or omit to take any action that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code. To that end, the City will comply with all requirements of Section 148 of the Code to the extent applicable to the Bonds.

Section 7. Further Authority. The Mayor, City Clerk and other City officials are authorized and directed to execute such documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance.

Section 8. Governing Law. The Ordinance and the Bonds shall be governed 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 newspaper of the City.

Passed by the Governing Body of the City on July 30, 1992.



Mayor

(SEAL)

ATTEST:



City Clerk

ORDINANCE NO. 3022

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF STANDARDS FOR THE PROTECTION OF THE PUBLIC WATER SUPPLY OF THE CITY OF GARNETT FROM CONTAMINATION OR POLLUTION BY ACTUAL OR POTENTIAL UNCONTROLLED CROSS-CONNECTIONS, AND PROVIDING FOR THE ESTABLISHMENT OF A CROSS-CONNECTION CONTROL PROGRAM, IN COMPLIANCE WITH KANSAS ADMINISTRATIVE REGULATION 28-15-18(h).

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

SECTION 1. CROSS-CONNECTION CONTROL -- GENERAL INFORMATION

(A) Purpose

This ordinance is necessary:

- (1) To protect the public potable water supply of the City of Garnett from pollution or contamination due to cross connection;
- (2) To prohibit and eliminate uncontrolled cross connections within the potable water supply system;
- (3) To provide for the establishment of a cross connection control program; and,
- (4) To comply with Kansas Administrative Regulation (K.A.R.) 28-15-18(h).

(B) Scope

All potable water distributed by the City of Garnett Utilities Department, whether to public or private users, and whether supplied directly or indirectly, is regulated by the Cross-Connection Control Program, as established under this ordinance and the regulations adopted under the authority set out in Section 11 hereof.

(C) Intent

- (1) Through this ordinance, it is the intent of the City to recognize the varying degrees of hazard and to apply the principle that the degree of protection be commensurate with the degree of hazard, in accordance with Kansas Department of Health and Environment criteria.
- (2) Provisions of this ordinance are intended to supplement, not supersede or replace, provisions of the Uniform Plumbing Code, as adopted by the City of Garnett, Kansas.

SECTION 2. RESPONSIBILITIES

(A) The City Manager, City of Garnett will maintain primary responsibility for the development, implementation, and enforcement of the Cross-Connection Control Program. All City utility departments and personnel shall cooperate as necessary, to fulfill the objectives of this program.

(B) Customers/Consumers

(1) The customer has the primary responsibility of preventing pollutants and contaminants from entering a private potable water system or the public potable water system.

(2) The customer, at no expense to the city, shall install, operate, test, maintain, and repair approved backflow prevention devices as directed by the City Manager and shall maintain accurate records for all such devices, as required by this ordinance.

SECTION 3. DEFINITIONS

(A) Air Gap Separation: The unobstructed vertical distance through free atmosphere between the lowest opening of any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel, but in no case less than one inch.

(B) Approved Device: Devices tested and accepted by a recognized testing laboratory approved by the Kansas Department of Health and Environment (KDHE) and the City of Garnett Utilities Department.

(C) Approved Technician (Tester/Repair Personnel): An approved technician is one who is certified and listed by KDHE, as having completed an approved training course in cross-connection control and backflow prevention and has passed a written examination.

(D) Atmospheric Vacuum Breaker (AVB): A mechanical device used to prevent backflow due to backsiphonage. An AVB may not be used under continuous line pressure.

(E) Backflow: The flow of water or other substances (foreign liquids, gases, used water, solids) into the distribution system of a potable supply of water from any source other than its intended source. Backsiphonage and backpressure are types of backflow.

(F) Backflow prevention Device: Any device, method, or type of construction intended to prevent backflow into the public water supply system.

(G) Backsiphonage: The flowing back of contaminated or polluted substances from a plumbing fixture or any vessel or source into the potable water supply due to negative pressure in the system.

(H) City: The City of Garnett, Kansas

(I) City Manager: The City Manager of the City of Garnett, or his delegate

(J) Contamination: Introduction of any sewage, process fluids, chemicals, wastes, or any other substance that would be objectionable. Contamination may be a threat to life or health, or may cause an aesthetic deterioration, such as color, taste or odor.

(K) Cross Connection: Any physical connection or arrangement between two (2) otherwise separate piping systems, one of which contains potable water, and the second which contains water of unknown or questionable safety, or steam, gases, chemicals or substances whereby there may be a flow from one system to the other. No physical cross connection shall be permitted between public or private water distribution systems containing potable water and any other system containing water of questionable quality or other substances.

(L) Customer: Any individual, firm, partnership, corporation or agency or their authorized agent receiving water directly or indirectly from the City of Garnett.

(M) Customer's Water System: All service pipe, all distribution piping, and all appurtenances beyond the shut off valve of the public water system.

(N) Degree of Hazard: An evaluation of the potential risk to public health and the adverse effect of the hazard upon anyone using the water.

(O) Double Check Valve Assembly (DCVA): A mechanical device consisting of two internally loaded soft seated check valves with positive shut-off valves on both upstream and downstream ends, and properly located test ports. A DCVA is suitable for non-toxic substances only.

(P) Dual Check Valve: A device consisting of two internally loaded soft seated check valves. This device does not contain test ports and is acceptable for use only at the meter of residential customers.

(Q) Free Water Surface: A water surface at atmospheric pressure.

(R) Flood Level Rim: The edge of the receptacle from which water overflows.

(S) Hazardous Conditions: Actual or potential threat of a physical or toxic nature to the public water supply that would be a danger to the health of the consumer.

(T) Health Hazard: Any condition, device or practice in the public water supply system which would or could create a danger to the health and well-being of anyone using the water or would or could allow contamination of the water.

(U) KDHE: Kansas Department of Health and Environment.

(V) Plumbing: The practices, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances.

(W) Pollution: The presence of any foreign substance (organic, inorganic, radiological or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health but which does adversely affect the water.

(X) Pressure Vacuum Breaker (PVB): A mechanical device used to prevent backflow due to backsiphonage. A PVB may be used under continuous line pressure.

(Y) Public Water Supply System: The public water system and the consumer's water system.

(Z) Public Water System: The water supply source, distribution system, and appurtenances to the service meter operated as a public utility which supplies potable water to the consumer's water system.

(AA) Reduced Pressure Principle Device or Reduced Pressure Zone Backflow Preventer: An assembly of two independently acting soft seated approved check valves together with a hydraulically operated mechanically independent differential pressure relief valve located between the check valves and below the first check valve. The unit shall contain properly located test cocks and resilient seated shutoff

valves at each end of the assembly. To be approved, these assemblies must be readily accessible for inspection and testing and be installed in an above ground location where no part of the assembly will be submerged.

(BB) Service Connection: The terminal end of the service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

(CC) Tester: A trained technician certified in the testing and repair of backflow prevention devices. See APPROVED TECHNICIAN.

(DD) Vacuum: Any absolute pressure less than that exerted by the atmosphere.

(EE) Vacuum Breaker: A device that permits entrance of air into the water supply distribution line to prevent backsiphonage.

(FF) Water, Potable: Water free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its quality shall conform to Kansas Department of Health and Environment requirements for public water supplies, as well as those of the Environmental Protection Agency.

(GG) Water, Non-Potable: Water that is not safe for human consumption or that is of questionable potability.

Section 4: UNCONTROLLED CROSS-CONNECTIONS PROHIBITED

(A) No water service connection shall be approved, installed or maintained by the City of Garnett unless the water service is protected from uncontrolled cross-connections, as required by the laws and regulations of the Kansas Department of Health and Environment, the Kansas Statutes pertaining to the public water supply, K.S.A. 65-163a, and the ordinances and regulations of the City of Garnett, Kansas.

Section 5: PREVENTION DEVICES REQUIRED

(A) An approved backflow prevention device shall be installed on each service line, at the customer's expense, to a customer's water system serving premises where, in the judgment of the City Manager or the Kansas Department of Health and Environment, actual or potential uncontrolled cross connections exist.

(B) Approved devices to protect against backflow or backsiphonage shall be installed at all fixtures and equipment where backflow and/or backsiphonage may occur and where there is a hazard to the potable water supply in that polluted water or other contaminating materials may enter into the public water supply.

(C) The type and degree of protection required shall be commensurate with the degree of hazard and/or type of contamination that may enter the public potable water system, in accordance with the Kansas Department of Health and Environment standards and this ordinance.

Section 6: INSTALLATION

(A) All approved backflow prevention devices must be installed according to the manufacturer's instructions or as required by the City Manager or designated representative or KDHE.

(B) Backflow prevention devices of all types shall be installed in a readily accessible location, above ground and/or preferably in the same room with the fixture they serve. No installation shall be made in pits or any other location not properly drained, unless approved by the City Manager.

(C) All backflow prevention devices must be inspected and tested in accordance with Sections 7 and 8 of this ordinance.

Section 7: INSPECTION

The City Manager shall have the right of entry into any building or premises receiving City water directly or indirectly to inspect the installation and operation of any backflow prevention device.

Section 8: TESTING, MAINTENANCE AND REPAIR OF BACKFLOW PREVENTION DEVICES

(A) It shall be the responsibility of the water customer to maintain all backflow prevention devices within the building or on the premises and to make no piping or other arrangements for the purpose of bypassing backflow devices.

(B) All backflow prevention devices shall be tested by a state approved tester a minimum of once a year. Such devices shall be overhauled at least once every five years. Documentation of this testing or overhaul shall be filed with the City.

(C) Testing and repair procedures shall be in accordance with the manufacturer's instructions and nationally accepted practices.

(D) The testing and repair of backflow prevention devices shall be carried out, at the customer's expense, by an approved tester/repairer.

Section 9: UNLAWFUL ACTS

It shall be unlawful for any person or persons:

(A) Knowingly to create or allow an uncontrolled cross-connection to exist, either through negligence or indifference.

(B) To install or cause to be installed a cross-connection control device in a manner contrary to this ordinance.

(C) To use cross-connection control device testers/repair personnel who are not approved by the State of Kansas.

(D) To remove or bypass any cross-connection control device except when necessary for repair or replacement.

Section 10: PENALTIES

(A) Any person or persons violating any of the provisions of this ordinance shall upon conviction be subject to a fine not to exceed Five Hundred Dollars (\$500.00) or to imprisonment not to exceed ninety (90) days, or both, such fine and imprisonment at the discretion of the court. Each day that any violation continues shall constitute a separate offense.

(B) Under the authority of K.S.A. 65-163(a), the City of Garnett shall deny or discontinue the water service to any premises or customer wherein any backflow prevention device required by this policy is not installed, tested and maintained in a manner acceptable to the City Manager

or it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.

(C) Water service to such premises shall not be restored until the customer is in compliance with this ordinance and as determined by the City Manager.


Section 11: AUTHORITY TO PROMULGATE AND ENFORCE REGULATIONS

The City Manager in conjunction with the Kansas Department of Health and Environment, is hereby authorized to promulgate and enforce rules and regulations not inconsistent with this ordinance, as required by state law and regulation, or which are necessary to carry out the intent of this ordinance and the Cross Connection Control Program.

Section 12: SEVERABILITY

If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

PASSED and APPROVED this 25th day of August, 1992.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE AUTHORIZING ROLLER SKATING UPON THE ROADWAYS IN AND ADJACENT TO LAKE GARNETT, COMMONLY CALLED THE NORTH CITY PARK, AND SETTING REGULATIONS CONTROLLING SUCH SKATING

WHEREAS, The use of roller skates upon the public streets is prohibited presently; and

WHEREAS, The use of roller skates upon the public streets, otherwise open for motor vehicle traffic, can constitute a hazard both to the skaters and to the motoring public if permitted, unless regulations are imposed restricting and controlling such skating; and

WHEREAS, There has been public request to open the streets to roller skating, which has been examined by the governing body and not found feasible on a wide-scale basis; and

WHEREAS, In order to accommodate requests of the public for areas on streets in which roller skating might be undertaken, it is generally found by the governing body that to permit roller skating on the public roads in the park area surrounding Lake Garnett (commonly called the North City Park) would, with proper rules and regulations enforced, balance the hazards of such activity against a reasonable use of that portion of the City's public roads.

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

SECTION 1: Roller skating shall be permitted, upon the rules and regulations hereinafter set out, on the public roads in the park area around and adjacent to Lake Garnett (commonly called the North City Park), to-wit: Commencing at the intersection of North Lake Road and Park Avenue and thence north throughout the Park.

SECTION 2: Roller skating shall mean riding upon a wheeled apparatus either of the conventional four (4) wheel variety or of the newer design wherein the wheels are set in line, commonly called roller blades. However, such term shall not include skate boards. Except within the park area permitted hereby to be used for roller skating, the provisions hereof shall not in any way restrict or abridge the City's right to enforce Section 136 of the Uniform Traffic Ordinance as presently adopted, or any other regulation limiting or restricting the use of roller skates or coaster vehicles or similar devices upon any other public street or roadway.

SECTION 3: Persons skating in the area provided by this Ordinance shall observe the following rules:

(a) Skating shall be limited to the hours from sunrise to sunset. No skating after sunset or before sunrise shall be permitted.

(b) Skaters shall keep to the right of the paved surface of the road, moving in line with traffic.

(c) Skaters in groups shall skate in single file.

(d) Skaters shall be at least ten (10) years of age; or if under ten (10) years of age, shall be accompanied by an adult.

(e) Skaters shall yield right-of-way in favor of pedestrians.

(f) Skaters shall, at all times, use due caution and shall be aware of vehicles approaching from behind them.

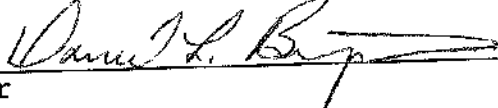
(g) Nothing herein shall be interpreted to confer a right on skaters to use City streets to skate to the Park, other than crossing at intersections as provided by other ordinance or law.

SECTION 4: The City may, but shall not be required to, post one or more signs to advise and alert the motoring public on the roadways in the Park adjacent to Lake Garnett that the roadway is open to use by skaters.

SECTION 5: This Ordinance shall be deemed amendatory to Title 9, Chapter 5 of the Municipal Code, and any person violating the provisions hereof shall be subject to punishment as provided for violation of that Title and Chapter.

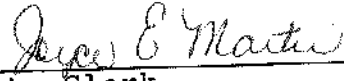
SECTION 6: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED, This 25th day of August, 1992.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3029

AN ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (TAYLOR FORGE ENGINEERED SYSTEMS, INC. PROJECT) SERIES 1992 IN THE PRINCIPAL AMOUNT OF \$500,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING AND IMPROVING A MANUFACTURING FACILITY; AUTHORIZING THE CITY TO ENTER INTO AN INDENTURE OF TRUST WITH MIAMI COUNTY NATIONAL BANK; AUTHORIZING THE CITY TO ENTER INTO A LEASE AGREEMENT; 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 "Issuer"), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749a, inclusive, as amended (the "Act"), to acquire, purchase and construct certain facilities (as defined in the Act), 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 Issuer 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 Issuer and the State of Kansas, that the Issuer issue its Taxable Industrial Revenue Bonds (Taylor Forge Engineered Systems, Inc. Project) Series 1992, in the principal amount not to exceed \$500,000 (the "Bonds"), for the purpose of financing the acquisition, purchase, construction and improvement of a project in the City of Garnett, Kansas, consisting of a manufacturing facility, including real estate, buildings, structures, improvements and fixtures (the "Project") for Taylor Forge Engineered Systems, Inc. (the "Tenant"); and

WHEREAS, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of the Bonds that the Issuer enter into certain documents, copies of which documents have been presented to this meeting and shall be filed with the records of the Issuer, and that the Issuer 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 and Improvement of the Project. The Issuer is hereby authorized to provide for the acquisition, purchase, construction and improving of the Project, all in the manner

and as more particularly described in the Indenture and the Lease defined hereafter.

Section 2. Authorization of and Security for the Bonds.

The Issuer is hereby authorized to issue and sell its Taxable Industrial Revenue Bonds (Taylor Forge Engineered Systems, Inc. Project) Series 1992, in the principal amount not to exceed \$500,000 for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing and improving the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture. The Bonds shall be dated November 1, 1992, shall mature on June 1 and December 1, 1993 to 2002 as more fully described in the Indenture, and shall bear interest at the rate of 8.00% per annum, payable June 1 and December 1 of each year, commencing June 1, 1993, until the principal amount of the Bonds shall be paid. The Bonds shall be in such denominations, shall be in such forms, 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 Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project. The Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the City Commission of the Issuer at this meeting and attached to this Ordinance (copies of which documents shall be filed in the records of the Issuer), with such changes therein as shall be approved by the officers of the Issuer executing such documents, such officers' signatures thereon being conclusive evidence of their approval thereof:

(a) Indenture of Trust (the "Indenture"), between the Issuer and Miami County National, Paola, Kansas (the "Trustee"), pursuant to which the Bonds shall be issued and the Issuer shall pledge the Project and assign the rents, revenues and receipts received pursuant to the Lease to the Trustee for the benefit of and security of the owners of the bonds upon the terms and conditions as set forth in said form of Indenture (said Indenture to be substantially in the form attached hereto as Exhibit "A");

(b) Lease Agreement (the "Lease"), between the Issuer and the Tenant under which the issuer will lease the Project to the Tenant (said Lease to be substantially in the form attached hereto as Exhibit "B");

Section 4. Designation of Trustee, Paying Agent and Bond Registrar. Miami County National Bank, Paola, Kansas, is


hereby designated Trustee, Paying Agent and Bond Registrar for the Bonds under the Indenture.

Section 5. Execution of Bonds and Documents. The Mayor is hereby authorized and directed to execute the Bonds by manual or facsimile signature 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 is hereby authorized and directed to execute and deliver the Indenture, the Lease 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 City Clerk is hereby authorized and directed to attest to the Bonds by manual or facsimile signature and to attest to and affix the seal of the Issuer to the Indenture, the Lease and such other documents, certificates and instruments.

Section 6. Further Authority. The Issuer shall, and the officers 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, the Indenture and the Lease.

Section 7. 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 in the Issuer's official newspaper.

PASSED by the governing body of the City of Garnett, Kansas, this 10th day of November, 1992.



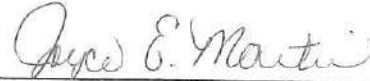
Daniel L. Benjamin, Mayor

A T T E S T:



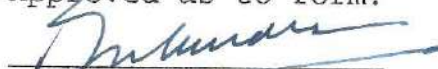
Joyce E. Martin, City Clerk

I hereby certify that the foregoing is the original Ordinance; that said Ordinance was passed on the 10th day of November, 1992; and that it was published in The Garnett Review the official city newspaper, on the 16th day of November, 1992.



Joyce E. Martin, City Clerk

Approved as to form:


City Attorney

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ORDINANCE NO. 3031

AN ORDINANCE AMENDING TITLE 2, CHAPTER 7, SECTION 4 OF THE MUNICIPAL CODE, FIXING THE QUALIFICATIONS FOR THE AIRPORT ADVISORY BOARD; AND REPEALING EXISTING SECTION

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

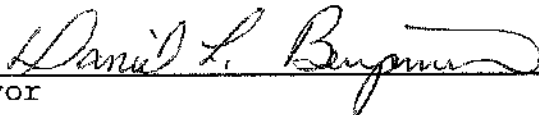
SECTION 1: Title 2, Chapter 7, Section 4 of the Municipal Code is hereby amended to read as follows:

2-7-4: QUALIFICATIONS: Members of the Airport Advisory Board may hold any other office unless prohibited by the laws of the State of Kansas. At least three (3) of the members of such Board shall be residents of the City of Garnett.

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

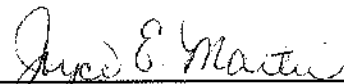
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 24th day of November, 1992.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3034

AN ORDINANCE ESTABLISHING A PASSENGER LOADING ZONE ADJACENT TO THE PUBLIC SCHOOL ON NORTH OAK STREET, AS MORE PARTICULARLY HEREINAFTER DESIGNATED; AND REPEALING THE TIME PARKING RESTRICTIONS AT SAID LOCATION FIXED BY TITLE 10, CHAPTER 2, SECTION 2(F) OF THE MUNICIPAL CODE.

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

SECTION 1: Between the hours of seven thirty o'clock (7:30) a.m. and four o'clock (4:00) p.m. inclusive, on any day during which the public school adjacent and immediately west of the following described portion of Oak Street, shall be in session, no person shall park or stand any vehicle, except for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. With respect to a private passenger car or pickup truck, a rebuttable presumption shall be created that said vehicle is parked for purposes other than loading or unloading of passengers aforesaid if such remains parked and unattended by the driver for a consecutive period of fifteen (15) minutes or longer. The location of this zone is for a distance along the west side of Oak Street 564 feet in length and commencing at a point 301 feet South of the intersection of the center lines of North Oak Street and Park Road and running South along the west side of the said paved portion of Oak Street to a point 865 feet South of said intersection.

SECTION 2: Title 10, Chapter 2, Section 2(F) of the Municipal Code is hereby repealed.

SECTION 3: This Ordinance shall be deemed supplementary to Title 10, Chapter 2 of the Municipal Code, entitled "Parking Restrictions".

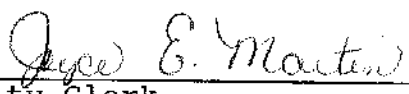
SECTION 4: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 22nd day of December, 1992.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3035

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 13(A) (1) OF THE MUNICIPAL CODE, TO PROVIDE FOR A FIVE (5) DAY TEMPORARY FISHING PERMIT, IN PLACE OF A THREE (3) DAY PERMIT; REPEALING EXISTING SUBSECTION OF SAID TITLE AND CHAPTER.

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 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 Anderson County | \$ 5.00 |
| (b) All other persons | 7.50 |
| (c) Five (5) consecutive day permit | 3.00 |

Such permit, except the five (5) day permit, 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 the above fees, regardless of when the license shall be applied for and issued. The five (5) day permit shall expire at fifty-nine minutes after eleven o'clock (11:59) p.m. on the fifth (5th) day of the five (5) day period for which it shall be issued. Such a five (5) day permit shall be issued only for consecutive days. All such permits shall entitle the holder to fish in any City lake, for all species of fish, except trout.

SECTION 2: Title 9, Chapter 5, Section 13(A)(1) of the Municipal Code, as the same presently exists, is hereby repealed.

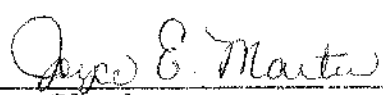
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 22nd day of December, 1992.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3036

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 14(B) OF THE MUNICIPAL CODE, SUCH AMENDMENT REQUIRING EVIDENCE OF THE ISSUANCE OF A KANSAS BOAT REGISTRATION NUMBER FOR EACH BOAT, CANOE, OR OTHER VESSEL FOR WHICH A BOATING PERMIT FROM THE CITY OF GARNETT IS SOUGHT; 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) 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 where 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

Anderson County Residents:

Boats with motors in excess of 40 HP	\$ 15.00
Boats with motors with 40 HP or less	5.00
Nonmotorized craft, i.e. sailboats, canoes, etc.	5.00

General (Nonresident of Anderson County):

Boats with motors in excess of 40 HP	\$ 35.00
Boats with motors with 40 HP or less	10.00
Nonmotorized craft, i.e. sailboats, canoes, etc.	10.00

Three-Day Temporary Permit Fees

Boats with motors in excess of 40 HP	\$ 15.00
Boats with motors 40 HP or less and all nonmotorized craft, i.e. sailboats, canoes, etc.	5.00

2. Upon furnishing evidence of a valid Kansas Boat Registration Number in force for the period for which a City boating permit is sought for each such boat, canoe, or other vessel and upon payment of the required permit fee provided in Subsection (B)1 hereof, the City Clerk shall issue a decal or other insignia of distinctive design, which shall be changed annually to correspond with the registration period, and which such decal or insignia shall be permanently affixed to the boat to which it is issued and displayed at all times thereon and so maintained as to be clearly visible and legible. The decal or insignia shall be placed within one foot (1') of the transom and within two feet (2') of the left corner of said vessel.

3. In order to permit participation in single-day events of City or area wide importance, the City Manager is hereby authorized to waive the provisions of Subsection (B)1 hereof and cause to be issued a temporary, one-day permit for any boat, canoe, or other vessel to be used upon the waters of any lake within any City park for participation in that event and for the purpose only, which said temporary permit shall expire at midnight on the day of such event and shall thereafter be of no purpose.

4. An annual permit may be transferred upon the sale of the boat for which it was issued, to a replacement boat, canoe, or vessel titled or owned by the same person upon the applicant's demonstrating the replacement boat, canoe, or vessel has a valid Kansas Boat Registration Number and upon the payment of a two dollar (\$2.00) transfer fee. Lost or damaged decals will be replaced on the payment of two dollars (\$2.00).

5. The City Manager is hereby authorized to promulgate reasonable regulations in order to carry out the administration and operation of this Subsection.

SECTION 2: Title 9, Chapter 5, Section 14(B) as the same presently exists is hereby repealed.

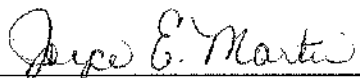
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 22nd day of December, 1992.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE AMENDING TITLE 4, CHAPTER 8, SECTION 5 OF THE MUNICIPAL CODE RELATING TO INTEREST PAID ON UTILITY SECURITY DEPOSITS; REPEALING EXISTING SECTION

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

SECTION 1: Title 4, Chapter 8, Section 5 of the Municipal Code is hereby amended to read as follows:

4-8-5: INTEREST PAID ON DEPOSITS: The City shall pay interest on all utility security deposits required, at the rate established by the Kansas Corporation Commission under the authority granted by K.S.A. 12-822, or any act amendatory thereto. Such interest shall be credited once a year or credited on January 1 succeeding such deposit and on each January 1 thereafter in accordance with K.S.A. 12-822 and acts amendatory thereto.

SECTION 2: Title 4, Chapter 8, Section 5 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 one (1) time in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 26th day of January, 1993.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3042

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) A refuse service charge of six dollars (\$6.00) per calendar month shall be levied against each residential dwelling unit for the collection and disposition of solid waste, as required by this Chapter.

(B) A refuse charge of six dollars (\$6.00) 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 one dollar fifty cents (\$1.50) 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 five dollars (\$5.00) per month.
2. Two (2) additional pick ups per week, an additional ten dollars (\$10.00) per month.
3. Three (3) additional pick ups per week, an additional fifteen dollars (\$15.00) per month.
4. Four (4) additional pick ups per week, an additional twenty dollars (\$20.00) 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 twenty-five cents (\$8.25).
2. For each one and one-half (1 1/2) 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 eighteen (18) consecutive days shall be billed at one-half (1/2) the rate for such service; for service of eighteen (18) 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 five dollars (\$5.00) 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 its effective date.

PASSED and APPROVED This 23RD day of March, 1993.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE AMENDING TITLE 9, CHAPTER 4, SECTION 3 OF THE MUNICIPAL CODE RELATING TO FAILURE TO CUT WEEDS; REPEALING CONFLICTING SUBSECTIONS AND ALL OTHER ENACTMENTS IN CONFLICT THEREWITH.

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

SECTION 1: Title 9, Chapter 4, Section 3 of the Municipal Code is hereby amended to read as follows:

9-4-3: FAILURE TO CUT:

- (A) In all cases where the owner and the persons who so control such real estate in which there are such growths of weeds, or rubbish, shall fail to cut or remove same or cause same to be removed after ten (10) days notice in writing mailed to the owner at his last known address ascertainable by the City, notifying same to cut such weeds, and remove said rubbish, then the City Manager may cause the same to be cut and the rubbish removed and the entire expense thereof chargeable to both the person who owns and the one who controls such real estate, in addition to the penalty prescribed by Section 9-4-5 of this Chapter. The ten (10) days above referred to shall begin from date of such mailing. In the event the owner cannot be found or ascertained, the Clerk shall cause the official notice to be published in the official newspaper and the time of such notice shall be for a period of ten (10) days.
- (B) Any person, liable hereunder for payment of the foregoing expenses shall pay the full amount of said charge within ten (10) days after date of mailing statement to owner at his last known address, or said charge shall be delinquent. Failure to pay the charge within the time specified shall thereafter subject the violator to a penalty of twenty per cent (20%) of the unpaid balance of said delinquent charge.
- (C) Charges for removal of weeds or rubbish from private property when performed by the City shall be charged at the rate of Fifty Dollars (\$50.00) per hour for time involved with a minimum charge of Seventy-five Dollars (\$75.00) per lot.
- (D) Weeds when cut down must be removed from the lot or disposed of in such a manner as not to create a nuisance or hazard.

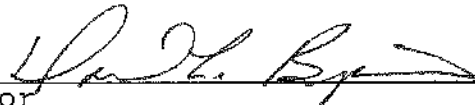
SECTION 2: Title 9, Chapter 4, Section 3 as the same presently exists in the Municipal Code, together with any other enactment in conflict herewith, be and the same are hereby repealed.

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

Ordinance 3048
Page 2

newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 8th day of June, 1993.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3052

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CITY OF GARNETT, KANSAS, AND AMENDING TITLE 10, CHAPTER 7, SECTIONS 1, 2 and 3 OF THE MUNICIPAL CODE; ADOPTING AND INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", 1993 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", 1993 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 hereinafter 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. 3052 " 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 2 of the Municipal Code, is hereby amended to read as follows:

10-7-2: SPECIFIC MAXIMUM SPEED LIMITS NOT AMENDED OR REPEALED:

Article 7, Section 33 of the Standard Traffic Ordinance for Kansas Cities, Edition of 1993, as adopted in Section 1 above, shall not be construed to effect an amendment or repeal of any of the specific maximum speed limit provisions set forth in Title 10, Chapter 4 of the Municipal Code or the special school zone limits set forth in Title 10, Chapter 8 of the Municipal Code which said special maximum speed limits and school zone limits shall apply in the designated areas, superseding the provisions of said Section 33.

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


10-7-3: OMISSION: Article 7, Section 37; and Article 20, Section 201 of the Standard Traffic Ordinance for Kansas Cities, edition of 1993, are hereby omitted.

SECTION 4: This ordinance shall be deemed amendatory to Title 10, Chapter 7 of the Municipal Code and the penalty provisions remaining in Title 10, Chapter 7, Section 4, shall be fully applicable hereto.

SECTION 5: Title 10, Chapter 7, Sections 1 through 3 inclusive as the same presently exist are hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this ordinance, but charging a violation under any section of the code or any other ordinance repealed hereby shall stay the effectiveness of such repealer with respect to such cases, and such cases shall be prosecuted to conclusion upon the same terms and conditions as if the original ordinances or code sections had not been repealed.

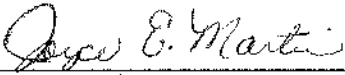
SECTION 6: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED this 27th day of July, 1993.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE AMENDING TITLE 10, CHAPTER 8, SECTIONS 1 AND 2 DESIGNATING SCHOOL SPEED ZONES WITHIN THE CITY OF GARNETT AND SETTING A SPEED LIMIT WITHIN SUCH ZONES DURING CERTAIN PERIODS OF CERTAIN DAYS; REPEALING EXISTING SECTIONS

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

SECTION 1: Title 10, Chapter 8, Section 1 of the Municipal Code is hereby amended to read as follows:

10-8-1: SCHOOL ZONES DESIGNATED: The following streets and highways are hereby designated as school zones:

- (A) Maple Street for a distance 250 feet north and 250 feet south of the crosswalk at the intersection of First Avenue with Maple Street
- (B) Pine Street between the intersection of Second Street and Third Street;
Third Street between the intersection of Pine Street and Cedar Street;
Cedar Street between the intersection of Third Street and Second Street;
Second Street between the intersection of Cedar Street and Pine Street.
- (C) Fourth Avenue between the intersection of Spruce Street and Olive Street;
Olive Street between the intersection of Fourth Avenue and Fifth Street;
Fifth Street between the intersection of Olive Street and Spruce Street;
Spruce Street between the intersection of Fourth Avenue and Fifth Street.
- (D) North Walnut Street between the intersection of Kaw Avenue and Park Road;
Oak Street between the intersection of Park Road and the alley lying between and parallel to First and Second Avenues.

SECTION 2: Title 10, Chapter 8, Section 2 of the Municipal Code is hereby amended to read as follows:

10-8-2: SPEED LIMIT FIXED; APPLICABLE TIMES: No person shall drive any vehicle on a street designated as a school zone at a speed in excess of twenty (20) m.p.h.:

- (A) During the hours of seven thirty o'clock (7:30) A.M. to four thirty o'clock (4:30) P.M. during the days Monday through Friday of each week during which period school

is actually in session in the building located in and adjacent to each of the zones specified in Section 1 of this Chapter, Subparts B, C, and D; and

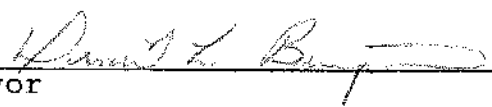
- (B) During the hours of seven thirty (7:30) A.M. to nine thirty (9:30) A.M. and two thirty (2:30) P.M. to four thirty (4:30) P.M. during the days of Monday through Friday of each week during which time school is actually in session at the Anderson County Junior-Senior High School, in the zone specified in Section 1 of this Chapter, Subpart A.

SECTION 3: Title 10, Chapter 8, Sections 1 and 2, as the same presently exist, are hereby repealed.

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


SECTION 5: This act shall be deemed amendatory to and become a part of Title 10, Chapter 8 of the Municipal Code.

PASSED and APPROVED This 10th day of August, 1993.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3058

AN ORDINANCE ADOPTING SUBDIVISION REGULATIONS FOR THE CITY OF GARNETT, KANSAS; ADOPTING AND INCORPORATING BY REFERENCE "SUBDIVISION REGULATIONS FOR GARNETT REGION, GARNETT, KANSAS, EDITION OF AUGUST 18, 1993", PUBLISHED BY BUCHER WILLIS & RATLIFF; REPEALING EXISTING SUBDIVISION REGULATIONS; SAVINGS CLAUSE.

WHEREAS, The City of Garnett, Kansas has heretofore adopted a Comprehensive Plan; and

WHEREAS, In connection with such Comprehensive Plan the Planning Commission of the City of Garnett, Kansas, in conjunction with Bucher Willis & Ratliff, an engineering, planning, and architectural firm of Kansas City, Missouri, ^{has} undertaken to compile subdivision regulations pursuant to K.S.A. 12-749; and

WHEREAS, The said Planning Commission did, upon proper notice, convene a public hearing on July 6, 1993, at which hearing, after receiving and considering comments, the said Planning Commission did adopt Subdivision Regulations for the City of Garnett, Kansas, in the form of "Subdivision Regulations For Garnett Region, Garnett, Kansas, Edition of August 18, 1993", as published by Bucher Willis & Ratliff, and did cause a final draft thereof to be prepared and transmitted to the governing body of the City of Garnett, Kansas, with a written summary of the hearing proceedings; and

WHEREAS, The Governing Body of the City of Garnett, having considered the action of the Planning Commission and its recommendations to adopt subdivision regulations in the form submitted, finds that such Subdivision Regulations should be adopted as recommended.

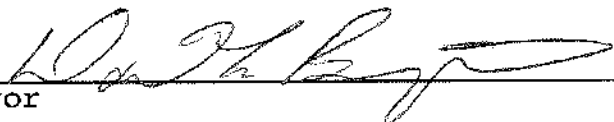
NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

SECTION 1: There is hereby incorporated by reference for the purpose of regulating and controlling the subdivision of land within the corporate limits of the City of Garnett, Kansas, as contemplated and authorized by K.S.A. 12-749, those certain Subdivision Regulations published by Bucher Willis & Ratliff of Kansas City, Missouri, known as and entitled "Subdivision Regulations for Garnett Region, Garnett, Kansas, Edition of August 18, 1993". Not fewer than three (3) copies of said Subdivision Regulations shall be marked or stamped "Official Copy as Adopted By Ordinance No. 3058", 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 City Clerk is hereby authorized to cause to be printed a sufficient number of official copies of such Regulations, similarly marked, as may be deemed expedient.

SECTION 2: All provisions of any other subdivision regulations heretofore adopted by the City of Garnett, Kansas, are hereby repealed; provided, however, any matter pending administratively or in litigation arising out such prior subdivision regulations shall hereby stay the effectiveness of this repealer with respect to such pending matters and such pending matters shall be resolved to conclusion upon the same terms and conditions as if the original ordinances adopting such former subdivision regulations had not been repealed.


SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication one (1) time in an official newspaper of the City of Garnett, Kansas.

ADOPTED This 14th day of September, 1993.



Mayor

A T T E S T;



City Clerk

ORDINANCE NO. 3059

AN ORDINANCE ADOPTING ZONING REGULATIONS AND DEFINING BOUNDARIES OF ZONING DISTRICTS BY SETTING OUT SUCH BOUNDARIES UPON A MAP; ADOPTING AND INCORPORATING BY REFERENCE: "ZONING REGULATIONS FOR GARNETT REGION, GARNETT, KANSAS, EDITION OF AUGUST 18, 1993" TOGETHER WITH THE ZONING DISTRICT MAP REFERRED TO THEREIN, BOTH PUBLISHED BY BUCHER WILLIS & RATLIFF; REPEALING ORDINANCE 2230 AND ALL OTHER ORDINANCES AMENDING THE SAME, BUT INCORPORATING A SAVINGS CLAUSE AND AN EXCEPTION TO ORDINANCE 2691.

WHEREAS, The City of Garnett, Kansas, in conjunction with Bucher Willis & Ratliff, an engineering, planning, and architectural firm of Kansas City, Missouri, has undertaken to prepare a Comprehensive Plan and compile Subdivision Regulations, both of which have been adopted, and in conjunction therewith also to compile zoning regulations and division of the territory of the City of Garnett into districts, pursuant to K.S.A. 12-753; and

WHEREAS, Such Zoning Regulations were compiled at the direction of the Governing Body of the City of Garnett, Kansas, to its Planning Commission, which said Planning Commission did consider the nature and number of zones or districts into which said Commission deemed it necessary and appropriate and did recommend appropriate regulations or restrictions within each zone; and

WHEREAS, Pursuant to K.S.A. 12-756 said Planning Commission did, upon proper notice, convene a public hearing on July 6, 1993, at which hearing, after receiving and considering comments, the said Planning Commission did adopt Zoning Regulations incorporating by reference an official map of zones and districts, in the form of "Zoning Regulations For Garnett Region, Garnett, Kansas, Edition of August 18, 1993", as published by Bucher Willis & Ratliff and did cause a final draft of said regulations and map to be prepared and transmitted to the governing body of the City of Garnett, Kansas, together with a written summary of the hearing proceedings; and

WHEREAS, The Governing Body of the City of Garnett, having considered the action of the Planning Commission and its recommendations to adopt Zoning Regulations and an official Zoning District Map in the form submitted, finds that such Regulations and Map should be adopted as recommended.

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

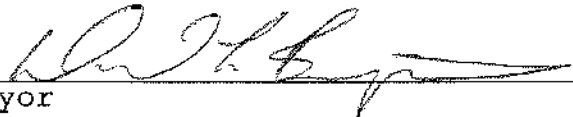
SECTION 1: There is hereby incorporated by reference for the purpose of regulating and controlling the use of land, buildings, and the intensity of such use within the corporate limits of the City of Garnett, Kansas, as contemplated and authorized by K.S.A. 12-753, et seq., those certain zoning regulations published by Bucher Willis & Ratliff of Kansas City, Missouri, known as and entitled "Zoning Regulations For Garnett Region, Garnett, Kansas, Edition of August 18, 1993", together with the definitions of

boundaries of zoning districts set out upon a map incorporated therein, published as a part thereof. Not fewer than three (3) copies of said Zoning Regulations shall be marked or stamped "Official Copy as Adopted By Ordinance No. 3059", 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 said Map contained therein shall be separately marked "Official Copy of Zoning District Map, Incorporated into Zoning Regulations By Adoption of an Ordinance of the Governing Body of the City of Garnett, Kansas, on the 14th day of September, 1993", and likewise filed in the office of City Clerk. Such Regulations and the accompanying Map shall be public record. The City Clerk is hereby authorized to cause to be printed a sufficient number of official copies, both of the Regulations and the Map, similarly marked, as may be deemed expedient.

SECTION 2: All provisions of Ordinance 2230 and any ordinance amendatory thereto are hereby repealed; provided, however, that nothing herein shall be construed to effect repeal of Ordinance 2691 (dealing with flood zones); provided, further, that any matter pending administratively or in litigation or any violation the prosecution of which is pending in the Municipal Court and arising out of such prior zoning ordinance or any amendment thereto, shall hereby stay the effectiveness of this repealer with respect to such pending matters or prosecution and such pending matters or prosecution shall be resolved to conclusion upon the same terms and conditions as if the original ordinances governing zoning regulations and land use within the City of Garnett had not been repealed.


SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication one (1) time in an official newspaper of the City of Garnett, Kansas.

ADOPTED This 14th day of September, 1993.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3062

AN ORDINANCE PROVIDING THAT TRAFFIC REGULATIONS OF THE CITY OF GARNETT MAY, ON CIRCUMSTANCES SPECIFIED THEREIN, APPLY TO PRIVATE PROPERTY.

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

SECTION 1: TRAFFIC REGULATIONS ON PRIVATE PROPERTY. Whenever the person in possession or control of any private property used with the permission of the owner by the public for purposes of driving over or through or parking vehicular traffic upon the same, shall cause to be posted at each entrance thereto a permanently lettered, clearly legible sign with the following legend:


"TRAFFIC REGULATIONS OF THE CITY OF GARNETT
ENFORCED ON THIS PROPERTY. SPEED LIMIT 12 M.P.H."
(or such other regulation as posted; for example, No Parking)

then such private property shall thereafter be deemed to be under the traffic regulations of the City of Garnett, Kansas, as provided by Title 10 of the Municipal Code.

SECTION 2. The official codifier of the City of Garnett, Kansas is hereby instructed and directed to codify the above Ordinance as Title 10, Chapter 10.


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 and APPROVED This 12TH day of October, 1993.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE DESIGNATING THROUGH STREETS AND CONTROLLED INTERSECTIONS WITHIN THE CITY OF GARNETT, KANSAS; AMENDING TITLE 10, CHAPTER 1 OF THE MUNICIPAL CODE.

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

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

10-1-1: THROUGH STREETS. In accordance with the applicable section governing stop and yield signs in the Standard Traffic Ordinance, as adopted by the City of Garnett, Kansas, in Chapter 7 of this Title, and when signs are erected giving notice thereof, drivers of vehicles shall stop or yield as the sign directs at every intersection before entering any of the following streets or parts of streets, which are hereby designated through streets, to-wit:

- (a) Maple Street from its intersection on the south with the south corporate city limits and on the north with its intersection with the north corporate city limits.

SECTION 2: STOP INTERSECTIONS DESIGNATED: In accordance with the applicable section governing stop and yield signs in the Standard Traffic Ordinance, as adopted by the City of Garnett, Kansas, in Chapter 7 of this Title, the following intersections not on through streets are hereby designated as stop intersections and when signs are erected at one or more entrances, as stated, the drivers of vehicles shall stop as required by such stop sign before entering said intersection, to-wit:

- (a) Intersection of private, one-way westbound drive and Walnut Street, immediately south of Garnett Elementary Center (formerly Garnett High School) at all three (3) entrances;
- (b) Intersection of private, one-way drive and Walnut Street north of Garnett Elementary Center (formerly Garnett High School) north and south entrances.

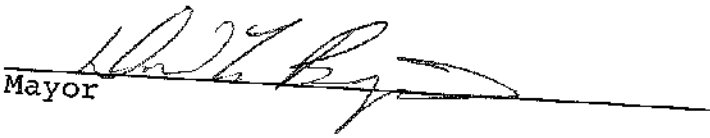
SECTION 3: The official codifier for the City of Garnett, Kansas, is hereby instructed to codify Section 2 of this Ordinance and insert the same as Title 10, Chapter 1, Section 2; and to re-name the chapter "Through Streets and Controlled Intersections".

Ordinance No. 3063
Page 2

SECTION 4: Title 10, Chapter 1, Section 1 of the Municipal Code, as the same presently exists, is hereby repealed.

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

PASSED and APPROVED This 12TH day of October, 1993.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3064

AN ORDINANCE FIXING A TIME LIMIT FOR PARKING ON A PORTION OF EAST THIRD AVENUE.

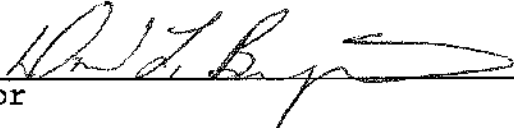
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

SECTION 1: Between the hours of seven thirty o'clock (7:30) a.m. and four thirty o'clock (4:30) p.m. on any day during which the public school adjacent and immediately north of the following described portion of East Third Avenue shall be in session, no person shall park or stand any vehicle for any purpose whatsoever along the south side of Third Avenue between its intersections with Pine and Cedar Streets.

SECTION 2: This Ordinance shall be deemed supplementary to Title 10, Chapter 2 of the Municipal Code and the official codifier for the City of Garnett, Kansas, is hereby instructed to insert the same in Title 10, Chapter 2, Section 2 and to letter it as Subparagraph G.

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

PASSED and APPROVED This 27th day of October, 1993.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3067

AN ORDINANCE ADOPTING THE NATIONAL ELECTRICAL CODE, 1993 ED.; AMENDING TITLE IV, CHAPTER 1, SECTION 2 OF THE MUNICIPAL CODE; PROVIDING FOR THE SUBORDINATION OF CONFLICTING PARTS OF SAID CODE TO SPECIFIC PROVISIONS OF EXISTING MUNICIPAL CODE; REPEALING TITLE IV, CHAPTER 1, SECTION 2 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS AS THE SAME PRESENTLY EXISTS; SAVINGS CLAUSE.

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

Section 1. Title IV, Chapter 1, Section 2 of the municipal code, City of Garnett, Kansas is hereby amended to read as follows:

4-1-2: ADOPTION OF NATIONAL ELECTRICAL CODE: The National Electrical Code, 1993 Edition, as prepared and published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted and incorporated by reference as the electrical wiring code for the City of Garnett, Kansas, regulating and governing all electrical work covered by permits and as required by Section 1, of this Chapter; provided, however, that the additional regulations set out in Section 3 of this Chapter are preserved and in the event of any conflict between the additional regulations contained in Section 3 of this Chapter and the National Electrical Code hereby adopted by reference then and in the event the provisions of Section 3 of this Chapter shall prevail. Compliance with the provisions of the said National Electrical Code and other regulations of this Chapter shall be considered as meeting the requirements of this title for the placing or installing of all electrical lights, heat and power wires, fixtures, appliances, conductors, apparatus, and their supports, in or upon any building, or other structures within the City of Garnett, Kansas. Not fewer than three copies of the said National Electrical Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3067" and to which shall be attached a copy of said ordinance. Copies of the code thus marked shall be filed with the City Clerk.

Section 2. REPEALER: Title IV, Chapter 1, Section 2 of the Municipal Code of the City of Garnett, Kansas, as the same presently exists, and all other municipal enactments in conflict with this Ordinance, are hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this Ordinance but charging a violation under any section of the Code or any Ordinance hereby repealed shall stay the effectiveness of such repealer with respect to such cases and such cases shall be prosecuted to conclusion upon the same terms and conditions as if the original Ordinances or Code Sections had not been repealed.

Section 3. EFFECTIVE DATE: 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 and APPROVED this 9th day of November, 1993.



Mayor

Attest:



City Clerk

ORDINANCE NO. 3070

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, except industrial service, shall be charged for at the rate of five dollars ten cents (\$5.10) per thousand (1,000) cubic feet sold.

2. Industrial Rate - All gas sold by the City to industrial service users shall be charged for at the rate of four dollars sixty-seven cents (\$4.67) per thousand (1,000) 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, 1993, and after its publication in an official City newspaper.

PASSED and APPROVED this 14th day of December, 1993.



Mayor

Attest:



City Clerk

ORDINANCE NO. 3072

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 14(B)(1) OF THE MUNICIPAL CODE, SUCH AMENDMENT EXPANDING FROM THREE (3) DAYS TO FIVE (5) DAYS THE EFFECTIVE PERIOD OF TEMPORARY 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. Annual permits shall be issued upon a calendar year basis. Temporary permits may be issued for any consecutive five (5) day period and shall expire at 11:59 P.M. of the final day of such period. No proration of fees shall be allowed for registration less than for the full period. The following fees shall apply to the class of licensee:

Annual Permit Fees

Anderson County Residents:

Boats with motors in excess of 40 HP	\$ 15.00
Boats with motors with 40 HP or less	5.00
Nonmotorized craft, i.e. sailboats, canoes, etc.	5.00

General (Nonresident of Anderson County):

Boats with motors in excess of 40 HP	\$ 35.00
Boats with motors with 40 HP or less	10.00
Nonmotorized craft, i.e. sailboats, canoes, etc.	10.00

Five-Day Temporary Permit Fees

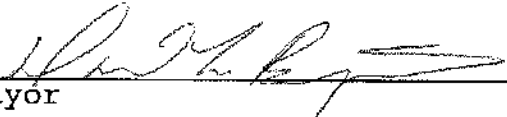
Boats with motors in excess of 40 HP	\$ 15.00
Boats with motors 40 HP or less and all nonmotorized craft, i.e. sailboats, canoes, etc.	5.00

SECTION 2: Title 9, Chapter 5, Section 14(B)(1), as the same presently exists, is hereby repealed.

Ordinance
Page 2

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

PASSED and APPROVED This 28th day of December, 1993.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3075

AN ORDINANCE AMENDING ORDINANCE 3059 OF THE CITY OF GARNETT, TO PROVIDE FOR AND ALLOW PUBLIC WAREHOUSING & STORAGE AS A SPECIAL-PERMITTED USE IN ZONES B-1 (BUSINESS GENERAL DISTRICT) AND B-2 (BUSINESS CENTRAL 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 public warehousing and storage as a special-permitted use in Zones B-1 (Business General District) and B-2 (Business Central District); and,

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

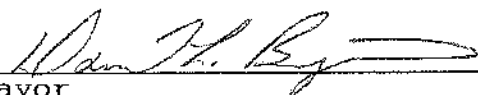
NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

Section 1: Public Warehousing and Storage (Standard Industrial Classification Group No. 42; SIC 422) shall be allowed in Zones B-1 (Business General District) and B-2 (Business Central 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 publication in an official newspaper of the City of Garnett, Kansas.

ADOPTED this 25th day of January, 1994.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3078

OF THE
CITY OF GARNETT, KANSAS

AUTHORIZING THE ISSUANCE OF
NOT TO EXCEED \$265,000
INDUSTRIAL REVENUE BONDS
SERIES 1994 (TAXABLE UNDER FEDERAL LAW)
(LOR-ROG INDUSTRIES, INC. PROJECT)

ORDINANCE NO. 3078

AN ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS, SERIES 1994 (TAXABLE UNDER FEDERAL LAW), IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$265,000 (LOR-ROG INDUSTRIES, INC. PROJECT) FOR THE PURPOSES OF ACQUIRING, IMPROVING, INSTALLING AND EQUIPPING A COMMERCIAL PROJECT; AUTHORIZING EXECUTION OF A TRUST INDENTURE BY AND BETWEEN THE CITY AND THE TRUSTEE BANK; AUTHORIZING THE CITY TO LEASE SAID PROJECT TO LOR-ROG INDUSTRIES, INC.; APPROVING A BOND PURCHASE AGREEMENT BETWEEN GARNETT STATE SAVINGS BANK, UNITED KANSAS BANK AND LOR-ROG INDUSTRIES, INC.

WHEREAS, the city of Garnett, Kansas (the "City"), is authorized by *K.S.A. 12-1740 to 12-1749c*, inclusive, as amended (the "Act"), to acquire, improve, install and equip certain facilities (as defined in the Act) for commercial, industrial and manufacturing purposes, and to enter into leases and lease-purchase agreements with any person, firm or corporation for said facilities, and to issue revenue bonds for the purpose of paying the cost of any such facilities; and

WHEREAS, the City 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 City and the state of Kansas that the City issue its Industrial Revenue Bonds, Series 1994 (Taxable Under Federal Law), in the aggregate principal amount not to exceed \$265,000 (Lor-Rog Industries, Inc. Project) (the "Bonds"), for the purpose of paying the costs of acquiring, improving, installing and equipping a certain commercial facility (the "Project"), as more fully described in the Indenture and in the Lease hereinafter authorized and which Project shall be leased by the City to Lor-Rog Industries, Inc., a Missouri corporation (the "Company"); and

WHEREAS, the City further finds and determines that it is necessary and desirable in connection with the issuance of said Bonds to execute and deliver a Trust Indenture dated as of February 1, 1994 (the "Indenture"), with a bank with full trust powers to be designated by the Company and approved by the Purchasers (as hereinafter defined) and City, for the purpose of issuing and securing the Bonds as provided therein and to enter into a Lease dated as of February 1, 1994 (the "Lease"), with the Company pursuant to which the City shall cause the Project to be acquired, improved, installed and equipped and leased to the Company in consideration of payments of the Lease payments and other charges provided for therein, and

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 herein authorized.

Section 2. Authority to Cause the Project to be Purchased and Constructed. The City is hereby authorized to cause the Project to be acquired, constructed, installed and equipped all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized.

Section 3. Authorization of and Security for the Bonds. There is hereby authorized and directed to be issued the Bonds for the purposes set forth in the preamble to this Ordinance. 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 in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Indenture. The Bonds shall be special limited obligations of the City payable solely from the revenues derived by the City pursuant to the Lease or otherwise in connection with the Project. The Bonds shall not be general obligations of or constitute a pledge of the faith and credit of the City within the meaning of a constitutional or statutory provision and shall not be payable in any manner from tax revenues.

Section 4. 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 at this meeting and attached to this Ordinance (copies of which documents shall be filed in the records of the City), 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) the Indenture, 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 Lease to the Trustee for the benefit of and security of the holders of the Bonds upon the terms and conditions as set forth in the form of the Indenture (such Indenture to be in substantially the form attached hereto as *Exhibit A*). The Mayor is hereby authorized to approve the designation of the Trustee by the Company; and

(b) the Lease under which the City will agree to use the proceeds derived from the sale of the Bonds for the purpose of acquiring, improving, installing and equipping the Project and 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 (such Lease to be in substantially the form attached hereto as *Exhibit B*).

(c) the Bond Purchase Agreement among the City, United Kansas Bank and Trust and Garnett State Savings Bank and the Company in which the banks agree to purchase the Bonds from the City (such Bond Purchase Agreement to be in substantially the form attached hereto as *Exhibit C*).

Section 5. Execution of Bonds and Agreements. The Mayor and City Clerk of the City are hereby authorized and directed to execute the Bonds and deliver same 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 and City Clerk are hereby further authorized and directed to execute and deliver the Indenture, the Lease 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, for and on behalf of and as the act and deed of the City.

Section 6. Election Under Section 144(a)(1) of the Internal Revenue Code. The City hereby elects that Section 144(a)(1) of the Internal Revenue Code of 1986, as amended, shall apply to the Bonds, and the Mayor and City Clerk are hereby authorized and directed to take such other action as may be necessary to make effective the election made herein.

Section 7. Further Authority. The City shall, and the officers, agents and employees 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 provisions of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Bonds, the Indenture and the Lease.

Section 7. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the City Commission and publication once in the official newspaper of the City.

PASSED by the governing body of the city of Garnett, Kansas, this 22nd day of February 1994.


Mayor

(Seal)

Attest:


City Clerk

ORDINANCE NO. 3083

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 \$8.50 per calendar month shall 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 \$10.00 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 \$8.50 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 \$1.75 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 five dollars (\$5.00) per month.

2. Two (2) additional pick ups per week, an additional ten dollars (\$10.00) per month.

3. Three (3) additional pick ups per week, an additional fifteen dollars (\$15.00) per month.

4. Four (4) additional pick ups per week, an additional twenty dollars (\$20.00) 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 twenty-five cents (\$8.25).

2. For each one and one-half (1 1/2) 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 eighteen (18) consecutive days shall be billed at one-half (1/2) the rate for such service; for service of eighteen (18) 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 \$7.00 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 its effective date.

PASSED and APPROVED this 12th day of April, 1994.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3085

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 four (4) 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 \$12,380.26 incurred through January 31, 1994 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 26th day of April, 1994.



Mayor

Attest:

City Clerk

Attachment to Ordinance No. 3085

Virgil Dillard	\$ 234.95
Robert Johnston	221.00
John Lyons	46.12
Judy L. Corbin	73.17
Missy Barr	322.73
Jerry Dabney	328.17
Mike & Ann Smith	22.66
Lisa L. Ritch	116.29
Regina Harrod	138.34
Malene Prevatte	39.20
Robin Roberts	96.29
David Cheek	175.26
Kim Patterson	136.20
Leland M. Leeman	202.07
James Braggs	116.13
J. D. Johnston	369.56
Martha Beachy	58.96
Helene Wiltfong	238.09
Cecelia Hoke	274.28
Laurie Irvin	58.79
Laura Garrard	18.00
Tim & Dawn Cochran	9.56
Bonnie Buchanan	213.26
Ilean Bloodworth	15.21
John L. Tucker	8.37
John & Teresa Ladewig	35.83
Debbie Jones	345.14
Denise Adams	192.66
Bruce & Sheryl Cox	368.33
Yvonne Bishop	86.75
David Everwein	41.82
Bill Massey	142.00
Melvin Lee	166.36
PRIMECO Building Prod.	626.80
PRIMECO Building Prod.	155.70
Richard G. Rios	131.66
Professional Beauty Shop	298.53
Angela Jasper	207.31
Kenneth Petersilie	502.07
Garnett Church Furnishings, Inc.	5,546.64
Total	\$12,380.26

ORDINANCE NO. 3087

AN ORDINANCE TEMPORARILY SUSPENDING EXISTING PARKING RESTRICTIONS AND LIMITATIONS APPLICABLE TO SIXTH AVENUE AND IMPOSING NO PARKING RESTRICTIONS THEREON CONTINUOUSLY FOR SO LONG AS THIS ORDINANCE REMAINS IN EFFECT.

WHEREAS, The State of Kansas, acting through its Department of Transportation, has scheduled and presently is in the process of improving portions of U. S. Highway 59 and U. S. Highway 169; and

WHEREAS, As a result of such highway work, traffic utilizing those two highways has been detoured through the City of Garnett, Kansas, on Sixth Avenue, the connecting link and City bypass route; and

WHEREAS, Such detour and rerouting of traffic has substantially increased the traffic flow on Sixth Avenue through the City of Garnett, Kansas; and

WHEREAS, The parking of any vehicles along any part of Sixth Avenue impedes the flow of such traffic and creates delays in the movement of such traffic and thereby increases the risk of accident.


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

SECTION 1: That for so long as this Ordinance shall remain in effect the regulations presently in place in the Municipal Code governing parking restrictions on Sixth Avenue shall be and the same are hereby suspended and in place thereof: No person shall stand or park any vehicle at any time on either side of Sixth Avenue throughout its entire length within the City of Garnett, Kansas.

SECTION 2: This Ordinance shall be deemed supplementary to Title 10, Chapter 2 of the Municipal Code and any violation thereof punished as if a part of said title and chapter.

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 and APPROVED This 10th day of May, 1994.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3089

AN ORDINANCE DESIGNATING TRUCK ROUTES WITHIN THE CITY OF GARNETT,
KANSAS, SUPPLEMENTING TITLE 10, CHAPTER 3 OF THE MUNICIPAL CODE.

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

SECTION 1: Designation of Truck Routes: The following streets, roads, and avenues are designated truck routes within the City of Garnett, Kansas, to-wit:

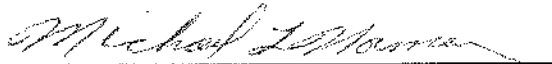
- (A) Sixth Avenue from its intersection with Maple Street (U.S. Highway 59) to the east boundary of the City of Garnett, Kansas; and
- (B) Thirteenth Avenue lying between Walnut and Vine Streets within the City of Garnett, Kansas.

SECTION 2: This Ordinance shall be deemed supplementary to Title 10, Chapter 3 of the Municipal Code; and the official codifer is instructed to insert the above section into said Title and Chapter as Section 2 thereof.

SECTION 3: All ordinances in conflict herewith be and the same 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 and APPROVED This 24th day of May, 1994.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3091

AN ORDINANCE REQUIRING PERMITS FOR ERECTION OF CERTAIN SERVICE DEVICES IN COMMERCIAL AND INDUSTRIAL ZONES

WHEREAS, Pedestrian traffic in and about commercial and industrial buildings within the City of Garnett, Kansas, is sufficiently great as to give rise to safety concerns under those circumstances in which scaffolding ladders, service perches, catwalks, temporary ledges, "sky hooks", boatswains chairs, and other such devices are utilized for repairing, maintaining, servicing or otherwise acquiring access to the exterior of buildings and elevated equipment; and

WHEREAS, It is believed the risk attendant thereto can be minimized with careful planning and attention to safety details by owners or occupants are undertaken prior to the erection and use of any such devices.

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

SECTION 1: No person, firm, corporation, or partnership shall erect, operate, use, or otherwise take advantage of scaffolding ladders, service perches, catwalks, temporary ledges, "sky hooks", boatswains chairs, and other such devices utilized for repairing, maintaining, servicing, or otherwise acquiring access to the exterior of buildings and elevated equipment located within an area zoned either for commercial or for industrial use without first having applied for and obtained a permit for the erection and use of such a structure or device.

SECTION 2: The application for such use shall be made to the City Clerk on form provided by the City. The form shall solicit and the applicant shall provide full and complete information relating to at least the following:

(a) The type of device or structure proposed to be used, the location of use, the time period in days (and on each such day, the hours of use thereof);

(b) How and where such will be affixed to the building or erected; and

(c) The purpose for which such permission is sought.

The Codes Enforcement Officer shall review the application upon receipt and shall undertake such investigation as in his or her opinion is warranted. If he or she determines the public safety is not jeopardized, such application shall be approved. The approval of such application may be conditioned upon specified restrictions as to time of use, or otherwise. The Codes Officer, in granting such permit shall in every case designate the nature

of public warning as may be needed at the site, so as to alert pedestrians to the existence of such repair and maintenance devices and their use.

SECTION 3: Any person violating or failing to comply with any of the provisions hereof shall be deemed guilty of a misdemeanor and shall upon conviction be punished by a fine of not more than One Hundred Dollars (\$100.00). In the case of erection or use of any of the structures or devices without a permit, each day such devices are used or remain in place subject to use, shall be considered a separate violation.

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

PASSED and APPROVED This 14TH day of of JUNE,
1994.

Michael L. Norman
Mayor

A T T E S T:

Jesse E. Martin
City Clerk

ORDINANCE NO. 3096

AN ORDINANCE AMENDING TITLE 5, CHAPTER 10, SECTION 4 OF THE MUNICIPAL CODE, GOVERNING SALE OF ALCOHOLIC LIQUOR BY THE PACKAGE AT RETAIL; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER

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

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

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

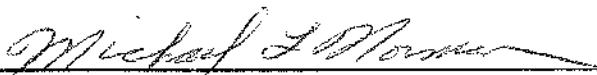
(a) At anytime or upon any day when the sale of such product is prohibited by the laws of the State of Kansas as now exist or as may hereafter be amended; and

(b) Before nine o'clock (9:00) a.m. or after nine o'clock (9:00) p.m. on any day when the sale of such product is permitted by State law, except on Saturdays and the night before any holiday prescribed by State law when such store must be closed and in addition thereto on December 31st of each year in which cases sales shall be permitted to continue until the hour of eleven o'clock (11:00) p.m. of said days.

SECTION 2: Title 5, Chapter 10, Section 4 of the Municipal Code as the same 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 and APPROVED This 9th day of August, 1994.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3097

AN ORDINANCE PROVIDING FOR TIME-LIMITED PARKING IN A CERTAIN PARKING STALL ON FIFTH AVENUE, BETWEEN OAK AND WALNUT STREETS; SUPPLEMENTING TITLE 10, CHAPTER 2, SECTION 2 OF THE MUNICIPAL CODE

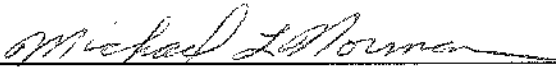
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

SECTION 1: No person shall park or stand any vehicle in the angle parking stall immediately to the west of the private drive opening onto Fifth Avenue between Walnut and Oak Streets and the west angle marker of said stall being 271 feet more or less west of the center of Walnut Street and on the south side of Fifth Avenue between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday inclusive for a period of longer than fifteen (15) minutes.

SECTION 2: This Ordinance shall be deemed supplementary to Title 10, Chapter 2, Section 2 of the Municipal Code, and the official City codifier is directed to insert the same as Sub-section H of said Section 2.


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

PASSED and APPROVED This 9th day of August, 1994.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3099

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET IMPROVEMENTS AND THE CREATION OF AN IMPROVEMENT DISTRICT AND FINDING THE DESIRABILITY OF MAKING SUCH IMPROVEMENTS, THE ESTIMATED COST THEREOF, BOUNDARIES OF THE IMPROVEMENT DISTRICT, METHOD OF ASSESSMENT, APPORTIONMENT OF COST, AND ORDERING SUCH IMPROVEMENTS TO BE MADE.

WHEREAS, There has been filed with the City of Garnett, Kansas, a certain Petition requesting improvements in the general nature of street improvements and such Petition being signed by record owners of more than one-half (1/2) of the property liable for assessment under such proposal; and

WHEREAS, Said Petition has been examined by this Commission and found to be sufficient as required by law and signed by the requisite number of owners; and

WHEREAS, This Commission may proceed pursuant to such Petition, and pursuant to statute, without notice, to make these findings and order such improvements, without further notice and without receiving protest, or affording opportunity for such, having in such Petition been requested to proceed in summary fashion.

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

SECTION 1: The Petition submitted to the Governing Body of the City of Garnett requesting street improvements as specified therein, on the street commonly known as Hickory Street within the City of Garnett, Kansas, is examined and found to be in conformity with K.S.A. 12-6a04 and all other applicable provisions of law and to be signed by a sufficient number of record owners of the property liable for assessment under such proposal, so as to permit this Governing Body to proceed to consider the same.

SECTION 2: Based upon such Petition and being well and full advised in the premises, it is found and determined that the requested improvements therein specified are advisable, and that the nature and estimated cost of such improvements are as follows:

Hickory Street between Monroe and Park Road approximately 800'.

(20' x 800', more or less)

1,778 square yards of bituminous double seal:

592 gallons of penetrating oil	\$ 438.00
889 gallons of MC 3000	560.00
180 ton of base rock	675.00
35 ton of cover rock	219.00
Second Seal coat	779.00
TOTAL ESTIMATED PROJECT COST	\$2,671.00

SECTION 3: It is proposed that the entire actual cost of the above repairs and improvements be assessed against the improvement district so created and apportioned among the several property owners of record, pro rata upon the basis of lot frontage abutting said street. The extent of the proposed improvement district is:

Lot 6, Nicolls Addition; Tract 1, East Monroe Addition; Lot 1, Block 1 of Russell Addition and Lot 1, Block 2 of Russell Addition to the City of Garnett.

SECTION 4: The entire actual cost of the above improvements shall be assessed against the improvement district herein created and shall be apportioned among the several property owners of record, within the improvement district pro rata upon the basis of lot frontage abutting said street.

SECTION 5: It is hereby ordered that the appropriate departments of the City proceed as soon as possible to make the improvements in the said improvement district, as petitioned by the owners and found by this Ordinance to be desirable, advisable, and necessary, and upon determination of the actual cost of such improvements to proceed according to K.S.A. 12-6a09 to make such assessments.


SECTION 6: This Ordinance shall take effect and be in force from and after its publication in an official newspaper of the City of Garnett.

PASSED and APPROVED this 23rd day of August, 1994.



Mayor

Attest:



City Clerk

ORDINANCE NO. 3100

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET IMPROVEMENTS AND THE CREATION OF AN IMPROVEMENT DISTRICT AND FINDING THE DESIRABILITY OF MAKING SUCH IMPROVEMENTS, THE ESTIMATED COST THEREOF, BOUNDARIES OF THE IMPROVEMENT DISTRICT, METHOD OF ASSESSMENT, APPORTIONMENT OF COST, AND ORDERING SUCH IMPROVEMENTS TO BE MADE.

WHEREAS, There has been filed with the City of Garnett, Kansas, a certain Petition requesting improvements in the general nature of street improvements and such Petition being signed by record owners of more than one-half (1/2) of the property liable for assessment under such proposal; and

WHEREAS, Said Petition has been examined by this Commission and found to be sufficient as required by law and signed by the requisite number of owners; and

WHEREAS, This Commission may proceed pursuant to such Petition, and pursuant to statute, without notice, to make these findings and order such improvements, without further notice and without receiving protest, or affording opportunity for such, having in such Petition been requested to proceed in summary fashion.

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

SECTION 1: The Petition submitted to the Governing Body of the City of Garnett requesting street improvements as specified therein, on the street commonly known as Hickory Street within the City of Garnett, Kansas, is examined and found to be in conformity with K.S.A. 12-6a04 and all other applicable provisions of law and to be signed by a sufficient number of record owners of the property liable for assessment under such proposal, so as to permit this Governing Body to proceed to consider the same.

SECTION 2: Based upon such Petition and being well and full advised in the premises, it is found and determined that the requested improvements therein specified are advisable, and that the nature and estimated cost of such improvements are as follows:

Monroe Avenue extending from Hickory Street approximately 370' to the east end of existing gravel road.

(20' x 370', more or less)

822 square yards of bituminous double seal:

274 gallons of penetrating oil	\$ 203.00
411 gallons of MC 3000	259.00
82 ton of base rock	307.00
16 1/2 ton of cover rock	103.00
Second Seal coat	362.00

TOTAL ESTIMATED PROJECT COST \$1,234.00

SECTION 3: It is proposed that the entire actual cost of the above repairs and improvements be assessed against the improvement district so created and apportioned among the several property owners of record, pro rata upon the basis of lot frontage abutting said street. The extent of the proposed improvement district is:

East Monroe Addition, Tracts 1, 2 and 3; Pretzer Addition, Block 1, Lot 1 and the west 67' of Block 2 Lot 1 to the City of Garnett.

SECTION 4: The entire actual cost of the above improvements shall be assessed against the improvement district herein created and shall be apportioned among the several property owners of record, within the improvement district pro rata upon the basis of lot frontage abutting said street.


SECTION 5: It is hereby ordered that the appropriate departments of the City proceed as soon as possible to make the improvements in the said improvement district, as petitioned by the owners and found by this Ordinance to be desirable, advisable, and necessary, and upon determination of the actual cost of such improvements to proceed according to K.S.A. 12-6a09 to make such assessments.

SECTION 6: This Ordinance shall take effect and be in force from and after its publication in an official newspaper of the City of Garnett.

PASSED and APPROVED this 23rd day of August, 1994.


Mayor

Attest:


City Clerk

ORDINANCE NO. 3103

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

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

SECTION 1: The following-described real estate situate in
Anderson County, Kansas, to-wit:

A tract of land beginning at a point 27 rods
west of the Southeast Quarter (SE/4) of Section
Nineteen (19), Township Twenty (20), South, Range
Twenty (20) East of the sixth principal meridian,
thence running North 200 feet, thence West 303.5
feet, thence South 200 feet, thence East 303.5 feet
to the place of beginning;

having met one or more of the classifications for annexation
described in K.S.A. 12-519, et seq., and specifically that such
land is adjacent to an existing boundary of said City and that the
owner thereof has petitioned for and consented to the annexation
of the same by the City of Garnett, Kansas, it is hereby annexed
and made a part of the City of Garnett, Kansas.


SECTION 2: This Ordinance shall take effect, and be in force
from and after its publication in an official City newspaper.

PASSED and APPROVED, this 13th day of September, 1994.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3104

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

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

SECTION 1: The following described real estate situate in Anderson County, Kansas, to-wit:

Tract 1:

Beginning at the Southeast Corner of the Southeast Quarter (SE/4) of Section Nineteen (19), Township Twenty (20), Range Twenty (20), thence North by range line 200 feet, thence West 250 feet, to the Northeast Corner of what is presently Cole Addition to the City of Garnett, Kansas, thence South 200 feet along the East boundary line of said Addition, thence East 250 feet to the place of beginning; and

Tract 2:

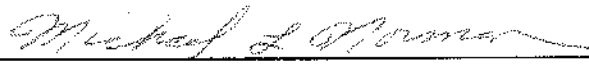
Beginning at a point 350 feet West of the Southeast Corner of the Southeast Quarter (SE/4) of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East (the same being the Southwest Corner of what is presently Cole Addition to the City of Garnett, Kansas), thence West 95.5 feet, thence North 200 feet, thence East 95.5 feet, thence South 200 feet to the place of beginning;

having met one or more of the classifications for annexation described by K.S.A. 12-519, et seq., and specifically that such land is adjacent to an existing boundary of said City and that the owners thereof have petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, it is hereby annexed and made a part of the City of Garnett, Kansas

SECTION 2: The above described land shall become and form a part of Cole Addition to the City of Garnett, Kansas, as previously annexed in Ordinance 2402.


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

PASSED and APPROVED This 13th day of September, 1994.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3107

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

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

SECTION 1: The following-described real estate situate in Anderson County, Kansas, to-wit;

Commencing 817 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, thence south 304 feet, thence northwesterly 251 feet to a point 217 feet west and 174 feet south of the place of beginning, thence north 174 feet, thence east 217 feet to the place of beginning;

having met one or more of the classifications for annexation described in K.S.A. 12-519, et seq., and specifically that such land is adjacent to an existing boundary of said City and that the owner thereof has petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, it is hereby annexed and made a part of the City of Garnett, Kansas.

Section 2: This Ordinance shall take effect and be in force from and after its publication in an official City newspaper.

PASSED and APPROVED, this 11th day of October, 1994.

Michael J. Moore
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 3110

AN ORDINANCE AMENDING TITLE 9, CHAPTER 7 OF THE MUNICIPAL CODE, GOVERNING THE OPERATIONS OF THE MUNICIPAL CEMETERY; ESTABLISHING RULES AND PROVIDING CHARGES FOR SALE OF CEMETERY LOTS AND PROVIDING CEMETERY SERVICES; REPEALING EXISTING TITLE AND CHAPTER.

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

Section 1. Title 9, Chapter 7 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:

- (A) Cemetery. A burial park for earth interments, or community mausoleum for vault or crypt interments, a crematory or crematorium and columbarium for cinerary interments, or a combination of one or more thereof.
- (B) Plot. A space of sufficient size to accommodate one adult interment, approximately four to five feet in width and ten to twelve feet in length.
- (C) Lot. Numbered divisions of the municipal cemetery as shown on the record plat, each of which consists of one or more plots.
- (D) Interment. The permanent disposition of the remains of a deceased person by cremation and inurnment, entombment or burial.
- (E) Memorial. A monument, marker, tablet, headstone, private mausoleum or tomb for family or individual use, tombstone, coping, lot enclosure, urn and crypt and niche place.
- (F) Monument. A tombstone or memorial of granite or marble which extends above the surface of the ground.
- (G) Marker. A memorial flush with the ground.
- (H) Lot Marker. A concrete post or other substantial permanent post used by the city to locate corner of any lot or plot within the municipal cemetery.

9-7-2: NAME OF CITY-OWNED CEMETERY: The City of Garnett, Kansas, owns and operates one municipal cemetery, located northeast of the City in Section 20, Township 20,

ance
2
Range 20, Anderson County. The name of this cemetery is the "Garnett Municipal Cemetery."

9-7-3: ADMINISTRATION; CITY CLERK'S DUTIES: The City Clerk shall have custody of and keep all of the original, official cemetery records of lots, conveyances and owners and interments in the municipal cemetery and shall keep an official plat of the cemetery in his or her office. The City Clerk shall collect and account for cemetery funds from the sale of lots or receipts from other sources and shall issue all cemetery deeds and permits as authorized by law or ordinance.

9-7-4: ADMINISTRATION; APPOINTMENT OF SEXTON; DUTIES: The City Manager shall appoint a cemetery sexton who shall have charge of the cemetery grounds and all operations thereof. The sexton shall, at the expense of the City, maintain the same, including fences, gates, grounds, parking, streets and all other parts thereof in good condition and take such means as may be necessary to protect it from fire and depreciation of any kind. He or she shall cause all persons within the cemetery to observe the rules and regulations pertaining to conduct therein and the care and adornment of cemetery lots. He or she shall open or cause to be opened any grave upon a permit therefor from the City Clerk, close all graves, and keep a good and adequate record of all cemetery lots and make such reports and keep such records as may be required.

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 and the placing of appropriate memorials. Interment of the remains of 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.

9-7-6: PURCHASE PROCEDURE: The purchase of a lot shall be evidenced by the issuance of a Cemetery Certificate describing the lot and stating the purchase price. Upon the presentation to the City Clerk of the purchase money, such certificate shall be issued to the purchaser, signed by the Mayor and attested by the City Clerk under the seal of the City. Such certificate shall convey the estate and such record of lot ownership and may be filed with the Anderson County Register of Deeds. No lot or lots shall be used as a burial place until the full purchase price has been paid and

the purchaser shall have received a receipt therefor.

9-7-7: RESALE OF CEMETERY LOTS: For the purpose of preventing profiteering in dealing in cemetery lots, it is hereby declared to be unlawful for any person to sell, offer to sell or otherwise dispose of any burial lot or lots in the municipal cemetery to any person, firm or corporation except the record owner's surviving spouse, children, grandchildren, daughter-in-law, son-in-law, parents, grandparents, brother, sister, uncle or aunt without first offering said burial lot or lots to the City at the same price at which price said lot or lots were first acquired from the City. The City shall have thirty (30) days to accept such offer with payment for such lot or lots.

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

9-7-9: ESTABLISHMENT OF REGULAR PERPETUAL CARE FUND: There is hereby authorized and established a regular perpetual care fund, to be known as the Cemetery Trust Fund. The City is authorized to accept funds from individuals to be placed in this Trust Fund to be used for the upkeep of burial lots. Such money is to be invested in securities and the income therefrom shall be applied to the perpetual care and upkeep of such lots as the owners/contributors may direct; or otherwise shall be applied to the perpetual care of all lots or pieces of ground sold for interments in the municipal cemetery.

9-7-10: (Presently inactive)

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

Grave Openings:

	<u>Garnett Resident</u>	<u>Non-Resident</u>
Standard Interment	\$180.00	\$200.00
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	280.00	300.00
Baby (Under 18 months)	190.00	200.00
Ashes	145.00	150.00

Charges for funerals
held on Holidays or
Sundays:

Standard Interment	480.00	500.00
Baby (Under 18 months)	390.00	400.00
Ashes	345.00	350.00

State Social Assistance
(Includes burial and
grave)

150.00	150.00
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9-7-12: FUNERAL DIRECTOR'S RESPONSIBILITIES FOR BURIAL FEES: All funeral directors who have charge of interments in the Municipal Cemetery shall be responsible for collecting and paying over to the City such interment charges as may be made by the governing body unless such funeral directors state, in writing, to the City Clerk at least twenty four (24) hours before time of interment that they will not be responsible for such interment charges. All interment charges shall be paid in advance before a grave is opened.

9-7-13: MONUMENTS; MARKERS: Monuments and markers may be placed on any lot in the Municipal Cemetery. The design, specifications, and location of monuments shall be subject to the approval of the sexton. No marker or monuments shall be placed nearer than four inches (4") to a lot line, and no more than one individual memorial shall be placed at any one plot. All markers and monuments shall be placed so that the inscription thereon may be read from the nearest path or road. Family monuments shall be placed at the front or west end of the lot, and the individual monument or marker shall be placed at the back or east end of the lot. All family monuments and headstones must be placed upon a four inch (4") concrete base, and the top of the base shall be level with the ground and shall be at least four inches (4") wider than the stone. Monuments or markers shall not be set by the City, but shall be set under the supervision of the sexton. Monuments and stones with a distance of thirty six inches (36") or less between them shall be placed on one continuous (solid) footing (base). Temporary grave markers are allowed in the municipal cemetery for a period not to exceed six (6) months.

9-7-14: MAINTENANCE, REGULAR CARE: The City shall provide at no cost to the lot owner or owners regular care of all lots and to attend each plot with equal care. Regular care shall include the maintenance of a responsible stand of grass, raking and cleaning, filling settled graves and reasonable and common attention to any planting thereon which are in accordance with the rules and regulations governing the municipal cemetery.

9-7-15: CEMETERY FUND: The City Clerk shall receive and deposit in the general operating fund of the City all moneys derived from the sale of lots in the municipal cemetery and any service charges, with the same to be disbursed only after appropriation duly made and warrants therefor duly issued.

9-7-16: REGULATIONS:

- (A) No person shall mar or injure or destroy any trees, grass, shrubbery, walks, streets, monuments or other property in or about the cemetery grounds or break open any gates or fences around or in the same.
- (B) All vehicular traffic shall travel only upon the paved or gravelled roadways. All traffic ordinances of the City shall apply, except the maximum speed limit shall be fifteen (15) miles per hour.
- (C) The placing of cut flowers or plastic flowers over individual graves shall be permitted; however, the City shall not be responsible for the care of such flowers or the containers that they are placed in. Further, the City shall remove, without notice or liability to the owner or owners thereof, all artificial and cut flowers when their appearance becomes unsightly or not in harmony with the overall appearance of the cemetery.
- (D) No fence or curb of any kind around any lot or plot shall be permitted. Nor shall shall any ornament or embellishment or loose material such as landscape rock be used which in the opinion of the sexton intensifies or impedes maintenance operations or which renders such operations more dangerous to city personnel.
- (E) Hedges and other plantings may be located on cemetery lots, but they shall not be allowed to grow in excess of as height of three feet (3') or a width of two feet (2').
- (F) Should any items or plantings violate the provisions of the two subsections immediately preceding, or become unsightly or in any other manner not in harmony with the overall appearance of the cemetery, the City may

remove the offending material, or trim any plantings to the stated tolerances without notice or liability to the owner or owners thereof.

- (G) The City shall have no obligation to provide regular care to any lot or piece of ground in the municipal cemetery upon which items or plantings exist which violate the rules and regulations of the cemetery.
- (H) No person or persons shall enter or be upon the ground of the Municipal Cemetery with firearms of any description in their possession; provided that the provisions of this subsection shall not apply to law enforcement officers, to members of the armed forces of the United States in the discharge of their duties, or firing squads of veteran's organizations.
- (I) No person shall move or attempt to move any remains interred in the municipal cemetery without first applying to the City Clerk for permission to do so.
- (J) All burials in the municipal cemetery shall be made in graves excavated to a depth of at least five feet (5'). Exceptions shall be made in cases of graves of decedents the age twelve (12) months and under and for ashes, in which two cases such graves may be excavated to a depth of not less than four and one-half (4 1/2'). No parts of the burial container (box or vault) shall extend above the surface of the ground; provided, interments may be made in lawfully constructed mausoleums by special permit of the city manager.
- (K) No elevated mounds shall be built over graves, and no lots shall be filled above the grade established by the City.
- (L) No interment shall be permitted unless 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 (2) piece reinforced concrete box shall be considered the minimum enclosure meeting this requirement.
- (M) Only one (1) standard burial will be allowed per grave. No more than two (2) baby burials will be allowed per

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grave and no more than four (4) ashes burials will be allowed per grave space. In case of multiple burials (2 babies or 4 ashes) on a single grave space or plot, only one headstone will be permitted.

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

- (A) Any person desiring to reopen any grave in the Municipal Cemetery to disinter or remove a body 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, the time of such burial and the place where such body is to be reburied or other disposition of the body.
- (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. The applicant for such permit shall pay a deposit at the time of application to the City Clerk equal to twice the regular burial permit fee to secure payment of the fee provided by this subsection.
- (C) The reopening of such grave and removal of such body 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 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 section.
- (E) An order of any Judge of the District Court for the

exhumation of the body 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.

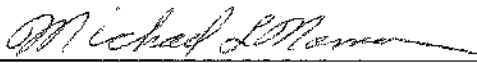
9-7-18: FINANCIAL RESPONSIBILITY OF CITY FOR PROPERTY DAMAGE: The City shall not be financially responsible for any damage to lots and structures or objects thereon or for flowers or articles removed from any lot or grave.

9-7-19: PENALTY: Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in as provided in the general penalty sections for the municipal code.

Section 2. Title 9, Chapter 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 one time in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED this _____ day of November, 1994.



Mayor

Attest:

City Clerk

ORDINANCE NO. 3121

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS 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 that the zoning classification of the following described lands situate in Anderson County, Kansas, to-wit:

Tract 1:

Beginning at the Northeast Corner of Block 1 of Farris Addition to the City of Garnett, thence North 376 feet, thence West 521 feet, thence South 376 feet, thence East 521 feet to place of beginning. Better known as 421 South Maple, Anderson County Hospital

Tract 2:

Beginning at a point 360 feet West of the Northeast Corner of the Southeast Quarter (SE/4) of Section Twenty-five (25), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian, thence West 201 feet, thence South 216 feet to a point which is on a line which would be an extension of the south edge of the alley between Fourth Avenue and Fifth Avenue in the City of Garnett, Kansas, thence East 201 feet on said extended alley line, thence North 216 feet to the place of beginning. Better known as 536 West Fourth

is hereby changed from R-2 (Residential--Medium Density) to B-1 (Business--General).

SECTION 2: Upon the effective date of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted, which said map shall be 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.

Ordinance
Page 2

PASSED By the Commission, three voting Aye; none voting
Nay; and approved this 11th day of April, 1995.

Sandra K. Reine
Mayor

A T T E S T:

Jay E. Martin
City Clerk

ORDINANCE NO. 3122

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 \$3,474.12 incurred through December 30, 1994 are hereby deleted from the City's accounting records.

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

PASSED and APPROVED this 11th day of April, 1995.



Mayor

Attest:



City Clerk

<u>Name</u>	<u>\$ Amount</u>
Vicki Florence	\$ 101.20
Debbie Herman	135.88
John Ray	228.32
Elda Tilton	103.11
Raymond Sangl	383.21
Dana Brown	305.62
James W. Ballard	94.55
Jimmy Lichte	181.85
Gilbert L. Holden	55.86
Devin "Tex" A. Adams	180.43
Tom & Cinnamon Browning	36.74
Roxanna Barger	150.24
Sandy Riley	162.64
Donna M. Rink	334.17
Jeff S. Cook	150.70
Loretta Larkin	92.91
Harold L. Reed	208.82
Robin Thompson	145.78
Carol Launder	212.87
April Brown	209.22
Total	\$3,474.12

ORDINANCE NO. 3123

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A CERTAIN EQUIPMENT LEASE PURCHASE AGREEMENT WHEREIN THE CITY OF GARNETT, KANSAS LEASES FROM GARNETT STATE SAVINGS BANK, GARNETT, KANSAS, CERTAIN EQUIPMENT AND OBTAINS IN SAID LEASE AGREEMENT AN OPTION TO PURCHASE SUCH EQUIPMENT.

WHEREAS, Pursuant to K.S.A. 12-101, et seq. and K.S.A. 10-1116b, the governing body of the City of Garnett, Kansas (the "City"), has determined it to be in the best interests of the City to enter into an Equipment Lease Purchase Agreement with Garnett State Savings Bank, Garnett, Kansas (the "Bank"), a Kansas banking corporation, whereby the City leases certain equipment as described therein (the "Equipment") from the Bank for a term of approximately five (5) years, with an option to purchase the Bank's interest in such equipment, the term of such agreement ending April 1, 2000, and calling for a total rental payment over the life thereof of \$52,648.71.

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

SECTION 1: The Equipment Lease Purchase Agreement dated as of April 15, 1995, between the Bank as Lessor and the City as Lessee relating to the Equipment in substantially the form examined by the governing body in open meeting (which said document is inserted in the Clerk's official minutes of this meeting) is hereby authorized and approved, with such additions, revisions, and corrections as may be approved by the Mayor and City Clerk. Such approval to be conclusively evidenced by their execution of the Equipment Lease Purchase Agreement on behalf of the City.

SECTION 2: The Mayor and City Clerk are hereby authorized to execute the Equipment Lease Purchase Agreement on behalf of the City in the form presented to the City this date, with such modifications as are approved by the Mayor and City Clerk, and to execute such ancillary certificates and documents necessary to accomplish the purposes set forth herein and in the said Agreement.

SECTION 3: The City covenants and agrees that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion from gross income of the interest portion of the Rental Payments made pursuant to the Agreement under the Internal Revenue Code of 1986 and will take such action as may be necessary to comply with the Code and with all other applicable laws, regulations, published rulings and judicial decisions, necessary to preserve the tax-exempt status of the interest portion of the Rental Payments, to the extent any such actions can be taken by the governing body of the City.

Ordinance #3123
Page 2

SECTION 4: The Rental Payments are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Internal Revenue Code of 1986. The City hereby represents that the reasonably anticipated amount of qualified tax-exempt obligations (other than private activity bonds) which will be issued by the City during the 1995 calendar year does not exceed \$10,000,000.00.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval and publication once in an official City newspaper.

PASSED by the Governing Body of the City of Garnett, Kansas, on this 11th day of April, 1995.



Mayor

A T T E S T:



City Clerk

EQUIPMENT LEASE PURCHASE AGREEMENT

BETWEEN

**GARNETT STATE SAVINGS BANK,
As Lessor**

AND THE

**CITY OF GARNETT, KANSAS,
As Lessee**

Dated: April 15, 1995

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EQUIPMENT LEASE PURCHASE AGREEMENT

THIS EQUIPMENT LEASE PURCHASE AGREEMENT (the "Agreement"), dated as of April 15, 1995, between Garnett State Savings Bank, a state banking corporation organized under the laws of the State of Kansas, as Lessor ("Lessor"), and the **CITY OF GARNETT, KANSAS**, a political subdivision of the State of Kansas, as Lessee ("Lessee"),

WITNESSETH:

WHEREAS, Lessor desires to lease the Equipment, as hereinafter described, to Lessee, and Lessee desires to lease the Equipment from Lessor subject to the terms and conditions of and for the purposes set forth in this Agreement; and

WHEREAS, Lessee is authorized under the constitution and laws of the State of Kansas to enter into this Agreement for the purposes set forth herein;

NOW, THEREFORE, for and in consideration of the premises hereinafter contained, the parties hereby agree as follows:

ARTICLE I

DEFINITIONS

Section 1.01. Definitions. The following terms will have the meanings indicated below unless the context clearly requires otherwise:

"**Agent**" means any agent for the Registered Owners, if any, to which all or a portion of Lessor's right, title and interest in, to and under this Agreement and the Equipment may be assigned for the benefit of the Registered Owners.

"**Agreement**" means this Equipment Lease Purchase Agreement and any other schedule, exhibit or escrow agreement made a part hereof by the parties hereto, together with any Amendments to the Agreement.

"**Certificates of Participation**" means certificates evidencing a right to receive a pro rata share of Rental Payments and Purchase Price payments.

"**Code**" means the Internal Revenue Code of 1986, as amended.

"**Commencement Date**" is the date when the term of this Agreement and Lessee's obligation to pay rent commence, which date shall be the earlier of (i) the date on which the Equipment is accepted by Lessee in the manner described in Section 5.01, or (ii) the date on which sufficient moneys to purchase the Equipment are deposited for that purpose with an escrow agent.

"**Equipment**" means the property described on the Equipment Schedule attached hereto as Exhibit B, and all replacements, repairs, restorations, modifications and improvements thereof or thereto.

"Event of Default" means an Event of Default described in Section 12.01.

"Issuance Year" is the calendar year in which the Commencement Date occurs.

"Lease Term" means the Original Term and all Renewal Terms, but ending on the occurrence of the earliest event specified in Section 3.03.

"Lessee" means the entity described as such in the first paragraph of this Agreement, its successors and its assigns.

"Lessor" means the entity described as such in the first paragraph of this Agreement, its successors and its assigns.

"Maximum Lease Term" means the Original Term and all Renewal Terms through the Renewal Term including the last Rental Payment Date set forth on the Payment Schedule.

"Net Proceeds" means the amount remaining from the gross proceeds of any insurance claim or condemnation award after deducting all expenses (including attorneys' fees) incurred in the collection of such claim or award.

"Original Term" means the period from the Commencement Date until the end of the fiscal year of Lessee in effect at the Commencement Date.

"Payment Schedule" means the schedule of Rental Payments and Purchase Price set forth on Exhibit B.

"Purchase Price" means the amount that Lessee may, at its option, pay to Lessor to purchase the Equipment, as set forth on the Payment Schedule.

"Registered Owners" means the registered owners of any Certificates of Participation.

"Renewal Terms" means the optional renewal terms of this Agreement, each having a duration of one year and a term co-extensive with Lessee's fiscal year.

"Rental Payments" means the basic rental payments payable by Lessee pursuant to Section 4.01.

"State" means the state in which Lessee is located.

"Vendor" means the manufacturer of the Equipment as well as the agents or dealers of the manufacturer from whom Lessor purchased or is purchasing the Equipment, as listed on Exhibit B.

ARTICLE II

REPRESENTATIONS AND COVENANTS OF LESSEE

Section 2.01. Representations and Covenants of Lessee. Lessee represents, warrants and covenants for the benefit of Lessor and any Registered Owners as follows:

(a) Lessee is a political subdivision duly organized and existing under the constitution and laws of the State. Lessee will do or cause to be done all things to preserve and keep in full force and effect its existence as a body corporate and politic. Lessee is a political subdivision of the State within the meaning of Section 103(a) of the Internal Revenue Code of 1986, as amended (the "Code").

(b) Lessee is authorized under the constitution and laws of the State to enter into this Agreement and the transaction contemplated hereby and to perform all of its obligations hereunder.

(c) Lessee has been duly authorized to execute and deliver this Agreement by proper action and approval of its governing body at a meeting duly called, regularly convened and attended throughout by a requisite majority of the members thereof or by other appropriate official approval.

(d) This Agreement constitutes the legal, valid and binding obligation of the Lessee enforceable in accordance with its terms, except to the extent limited by applicable bankruptcy, insolvency, reorganization or other laws affecting creditors' rights generally.

(e) No event or condition that constitutes, or with the giving of notice or the lapse of time or both would constitute, an Event of Default exists at the Commencement Date.

(f) Lessee has, in accordance with the requirements of law, fully budgeted and appropriated sufficient funds for the current fiscal year to make the Rental Payments scheduled to come due during the Original Term and to meet its other obligations for the Original Term, and such funds have not been expended for other purposes.

(g) Lessee will do or cause to be done all things necessary to preserve and keep in full force and effect its existence as a body corporate and politic.

(h) Lessee has complied with such public bidding requirements as may be applicable to this Agreement and the acquisition by Lessee of the Equipment hereunder.

(i) There is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, public board or body, pending or threatened against or affecting the Lessee, nor to the best knowledge of the Lessee is there any basis therefor, wherein an unfavorable decision, ruling or finding would materially adversely affect the transactions contemplated by this Agreement or any other document, agreement or certificate which is used or contemplated for use in the consummation of the transactions contemplated by this Agreement.

(j) All authorizations, consents and approvals of governmental bodies or agencies required in connection with the execution and delivery by the Lessee of this Agreement or in connection with the carrying out by the Lessee of its obligations hereunder have been obtained.

(k) The entering into and performance of this Agreement or any other document or agreement contemplated hereby to which the Lessee is or is to be a party will not violate any judgment, order, law or regulation applicable to the Lessee or result in any breach of, or constitute a default under, or result in the creation of any lien, charge, security interest of other encumbrance on any assets of the Lessee or the Equipment pursuant to any indenture, mortgage, deed of trust, bank loan or credit agreement or other instrument to which the Lessee is a party or by which it or its assets may be bound, except as herein provided.

(l) The Equipment described in this Agreement is essential to the function of the Lessee or to the service Lessee provides to its citizens. The Lessee has an immediate need for, and expects to make immediate use of, substantially all the Equipment, which need is not temporary or expected to diminish in the foreseeable future. The Equipment will be used by Lessee only for the purpose of performing one or more of Lessee's governmental or proprietary functions consistent with the permissible scope of Lessee's authority.

(m) Neither the payment of the Rental Payments hereunder nor any portion thereof is (i) secured by any interest in property used or to be used in a trade or business of a non-exempt person (within the meaning of Section 103 of the Code) or in payments in respect of such property or (ii) derived from payments in respect of property, or borrowed money, used or to be used in a trade or business of a non-exempt person (within the meaning of Section 103 of the Code). No portion of the Equipment will be used directly or indirectly in any trade or business carried on by any non-exempt person (within the meaning of Section 103 of the Code).

(n) Lessee will comply with all applicable provisions of the Code, including without limitation Sections 103 and 148 thereof, and the applicable regulations of the Treasury Department to maintain the exclusion of the interest components of Rental Payments from gross income for purposes of federal income taxation.

(o) Lessee will use the proceeds of this Agreement as soon as practicable and with all reasonable dispatch for the purpose for which the Agreement has been entered into. No part of the proceeds of the Agreement shall be invested in any securities, obligations or other investments or used, at any time, directly or indirectly, in a manner which, if such use had been reasonably anticipated on the date of issuance of the Agreement, would have caused any portion of the Agreement to be or become "arbitrage bonds" within the meaning of Section 103(b)(2) or Section 148 of the Code and the applicable regulations of the Treasury Department.

(p) Lessee hereby designates the Agreement as a "qualified tax-exempt obligation" as defined in Section 265(b)(3)(B) of the Code. The aggregate face amount of all tax-exempt obligations (excluding private activity bonds other than qualified 501(c)(3) bonds) issued or to be issued by Lessee and all subordinate entities thereof during the Issuance Year is not reasonably expected to exceed \$10,000,000. Lessee and all subordinate entities thereof will not issue in excess of \$10,000,000 of qualified tax-exempt obligations (including the Agreement but excluding private activity bonds other than qualified 501(c)(3) bonds) during the Issuance Year without first obtaining an opinion of nationally recognized counsel in the area of tax-exempt municipal

obligations acceptable to Lessor that the designation of the Agreement as a "qualified tax-exempt obligation" will not be adversely affected.

(q) Lessee represents and warrants that it is a governmental unit under the laws of the State with general taxing powers; the Agreement is not a private activity bond as defined in Section 141 of the Code; 95% or more of the net proceeds of the Agreement will be used for local governmental activities of Lessee; and the aggregate face amount of all tax-exempt obligations (other than private activity bonds) issued or to be issued by the Lessee and all subordinate entities thereof during the Issuance Year is not reasonably expected to exceed \$5,000,000. Lessee and all subordinate entities thereof will not issue in excess of \$5,000,000 of tax-exempt bonds (including the Agreement but excluding private activity bonds) during the Issuance Year without first obtaining an opinion of nationally recognized counsel in the area of tax-exempt municipal obligations acceptable to Lessor that the excludability of the interest on the Agreement from gross income for federal tax purposes will not be adversely affected.

(r) The capital cost that would be required to purchase the Equipment if paid for by cash would be \$42,500.

(s) The annual average effective interest cost of this Agreement is 6.0% per annum.

(t) No amount is included in Rental Payments (assuming continuation of this Agreement through the Maximum Lease Term) for service, maintenance, insurance and other charges exclusive of capital cost and interest cost.

Section 2.02. Certification as to Arbitrage. Lessee hereby represents as follows:

(a) The estimated total costs of the Equipment will not be less than the total principal portion of the Rental Payments.

(b) The Equipment has been ordered or is expected to be ordered within six months of the Commencement Date, and the Equipment is expected to be delivered and installed, and the Vendor fully paid, within one year of the Commencement Date.

(c) Lessee has not created or established, and does not expect to create or establish, any sinking fund or other similar fund (i) that is reasonably expected to be used to pay the Rental Payments, or (ii) that may be used solely to prevent a default in the payment of the Rental Payments.

(d) The Equipment has not been and is not expected to be sold or otherwise disposed of by Lessee, either in whole or in major part, prior to the last maturity of the Rental Payments.

(e) To the best of our knowledge, information and belief, the above expectations are reasonable.

(f) Lessee has not been notified of any listing or proposed listing of it by the Internal Revenue Service as an issuer whose arbitrage certificates may not be relied upon.

ARTICLE III

LEASE OF EQUIPMENT

Section 3.01. Lease of Equipment. Lessor hereby demises, leases and lets the Equipment to Lessee, and Lessee rents, leases and hires the Equipment from Lessor, in accordance with the provisions of this Agreement, for the Lease Term.

Section 3.02. Lease Term. The Original Term of this Agreement shall commence on the Commencement Date and shall terminate on the last day of Lessee's current fiscal year. The Lease Term may be continued, solely at the option of Lessee, at the end of the Original Term or any Renewal Term for an additional Renewal Term up to the Maximum Lease Term. At the end of the Original Term and at the end of each Renewal Term until the Maximum Lease Term has been completed, Lessee shall be deemed to have exercised its option to continue this Agreement for the next Renewal Term unless Lessee shall have terminated this Agreement pursuant to Section 3.05 or Section 10.01. The terms and conditions during any Renewal Term shall be the same as the terms and conditions during the Original Term, except that the Rental Payments shall be as provided in the Payment Schedule.

Section 3.03. Termination of Lease Term. The Lease Term shall terminate upon the earliest of any of the following events:

(a) the expiration of the Original Term or any Renewal Term of this Agreement and the nonrenewal of this Agreement in the event of nonappropriation of funds pursuant to Section 3.05;

(b) the exercise by Lessee of the option to purchase the Equipment granted under the provisions of Article X and payment of the Purchase Price and all amounts payable in connection therewith;

(c) a default by Lessee and Lessor's election to terminate this Agreement under Article XII; or

(d) the payment by Lessee of all Rental Payments authorized or required to be paid by Lessee hereunder during the Maximum Lease Term.

Section 3.04. Continuation of Lease Term. Lessee currently intends, subject to the provisions of Sections 3.05 and 4.04, to continue the Lease Term through the Original Term and all of the Renewal Terms and to pay the Rental Payments hereunder. Lessee reasonably believes that legally available funds in an amount sufficient to make all Rental Payments during the Original Term and each of the Renewal Terms can be obtained. Lessee further currently intends to do all things lawfully within its power to obtain and maintain funds from which the Rental Payments may be made, including making provision for such payments to the extent necessary in each annual budget submitted and adopted in accordance with applicable provisions of State law, to have such portion of the budget approved and to exhaust all available reviews and appeals in the event such portion of the budget is not approved. Notwithstanding the foregoing, the decision whether or not to budget or appropriate funds or to extend this Agreement for any Renewal Term is solely within the discretion of the then current governing body of Lessee.

Section 3.05. Nonappropriation. Lessee is obligated only to pay such Rental Payments under this Agreement as may lawfully be made from funds budgeted and appropriated for that purpose during Lessee's then current fiscal year. In the event sufficient funds shall not be appropriated or are not otherwise legally available to pay the Rental Payments required to be paid in the next occurring Renewal Term, as set forth in the Payment Schedule, this Agreement shall be deemed to be terminated at the end of the then current Original Term or Renewal Term. Lessee agrees to deliver notice to Lessor of such termination at least 90 days prior to the end of the then current Original Term or Renewal Term, but failure to give such notice shall not extend the Lease Term beyond such Original Term or Renewal Term. If this Agreement is terminated in accordance with this Section, Lessee agrees, at Lessee's cost and expense, to peaceably deliver the Equipment to Lessor at the location or locations specified by Lessor.

Section 3.06. Nonsubstitution. If this Agreement is terminated in accordance with Section 3.05, to the extent lawful, Lessee agrees that it shall not expend any funds for the purchase or use of equipment performing functions similar to those performed by the Equipment for a period of 90 days following the end of the then current Original Term or Renewal Term; provided, however, that this restriction shall not be applicable in the event the Equipment shall be sold, re-leased or otherwise disposed of by Lessor and the amount received from such disposition, less all costs of such sale or disposition, are sufficient to pay the then applicable Purchase Price. This Section shall remain in effect notwithstanding the termination of this Agreement.

ARTICLE IV

RENTAL PAYMENTS

Section 4.01. Rental Payments. Lessee shall pay Rental Payments, exclusively from legally available funds, in lawful money of the United States of America to Lessor in the amounts and on the dates set forth on the Payment Schedule. Rental Payments shall be in consideration for Lessee's use of the Equipment during the fiscal year in which such payments are due. Any payment not received on or before its due date shall bear interest at the rate of 10% per annum or the maximum amount permitted by law, whichever is less, from its due date.

Section 4.02. Interest Component. As set forth on the Payment Schedule, a portion of each Rental Payment is paid as, and represents payment of, interest.

Section 4.03. Rental Payments To Be Unconditional. *EXCEPT AS PROVIDED IN SECTION 3.05, THE OBLIGATIONS OF LESSEE TO MAKE RENTAL PAYMENTS AND TO PERFORM AND OBSERVE THE OTHER COVENANTS AND AGREEMENTS CONTAINED HEREIN SHALL BE ABSOLUTE AND UNCONDITIONAL IN ALL EVENTS WITHOUT ABATEMENT, DIMINUTION, DEDUCTION, SET-OFF OR DEFENSE, FOR ANY REASON, INCLUDING WITHOUT LIMITATION ANY FAILURE OF THE EQUIPMENT TO BE DELIVERED OR INSTALLED, ANY DEFECTS, MALFUNCTIONS, BREAKDOWNS OR INFIRMITIES IN THE EQUIPMENT OR ANY ACCIDENT, CONDEMNATION OR UNFORESEEN CIRCUMSTANCES.*

Section 4.04. Rental Payments to Constitute a Current Expense of Lessee. The obligation of Lessee to pay Rental Payments hereunder shall constitute a current expense of Lessee, are from year to year and do not constitute a mandatory payment obligation of Lessee in any fiscal year beyond the then current fiscal year of Lessee. Lessee's obligation hereunder shall not in any way be construed to be a

debt of Lessee in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness by Lessee, nor shall anything contained herein constitute a pledge of the general credit, tax revenues, funds or moneys of Lessee.

ARTICLE V

EQUIPMENT

Section 5.01. Delivery, Installation and Acceptance of the Equipment. Lessee shall order the Equipment, cause the Equipment to be delivered and installed at the location specified on Exhibit B and pay any and all delivery and installation costs in connection therewith. When the Equipment has been delivered and installed, Lessee shall immediately accept the Equipment and evidence said acceptance by executing and delivering to Lessor an acceptance certificate in substantially the form set forth in Exhibit D or other form acceptable to Lessor. After it has been installed, the Equipment will not be moved from the location specified on Exhibit B without Lessor's consent, which consent shall not be unreasonably withheld.

Section 5.02. Enjoyment of Equipment. Lessor hereby covenants to provide Lessee with quiet use and enjoyment of the Equipment during the Lease Term, and Lessee shall peaceably and quietly have and hold and enjoy the Equipment during the Lease Term, without suit, trouble or hindrance from Lessor, except as otherwise expressly set forth in this Agreement. No Registered Owner shall interfere with such quiet use and enjoyment during the Lease Term so long as no Event of Default exists.

Section 5.03. Right of Inspection. Lessor shall have the right at all reasonable times during regular business hours to enter into and upon the property of Lessee for the purpose of inspecting the Equipment.

Section 5.04. Use of the Equipment. Lessee will not install, use, operate or maintain the Equipment improperly, carelessly, in violation of any applicable law or in a manner contrary to that contemplated by this Agreement. Lessee shall provide all permits and licenses, if any, necessary for the installation and operation of the Equipment. In addition, Lessee agrees to comply in all respects (including, without limitation, with respect to the use, maintenance and operation of each item of the Equipment) with all applicable laws, regulations and rulings of any legislative, executive, administrative or judicial body; provided, however, that Lessee may contest in good faith the validity or application of any such law, regulation or ruling in any reasonable manner that does not, in the opinion of Lessor, adversely affect the interest of Lessor in and to the Equipment or its interest or rights under this Agreement.

Section 5.05. Maintenance of Equipment. Lessee agrees that it will, at Lessee's own cost and expense, maintain, preserve and keep the Equipment in good repair, working order and condition. Lessor shall have no responsibility to maintain, or repair or to make improvements or additions to the Equipment. If requested to do so by Lessor, Lessee will enter into a maintenance contract for the Equipment with Vendor.

ARTICLE VI

TITLE TO EQUIPMENT; SECURITY INTEREST

Section 6.01. Title to the Equipment. During the Lease Term, title to the Equipment and any and all additions, repairs, replacements or modifications shall vest in Lessee, subject to the rights of Lessor under this Agreement; provided that title shall thereafter immediately and without any action by Lessee vest in Lessor, and Lessee shall immediately surrender possession of the Equipment to Lessor upon (a) any termination of this Agreement other than termination pursuant to Section 10.01 or (b) the occurrence of an Event of Default. It is the intent of the parties hereto that any transfer of title to Lessor pursuant to this Section shall occur automatically without the necessity of any bill of sale, certificate of title or other instrument of conveyance. Lessee shall, nevertheless, execute and deliver any such instruments as Lessor may request to evidence such transfer. Lessee, irrevocably designates, makes, constitutes and appoints Lessor and its assignee as Lessee's true and lawful attorney (and agent in-fact) with power, at such time of termination or times thereafter as Lessor in its sole and absolute discretion may determine, in Lessee's or Lessor's or such assignee's name, to endorse the name of Lessee upon any bill of sale, document, instrument, invoice, freight bill, bill of lading or similar document relating to the Equipment in order to vest title in Lessor and transfer possession to Lessor.

Section 6.02. Security Interest. To secure the payment of all of Lessee's obligations under this Agreement, Lessor retains a security interest constituting a first lien on the Equipment and on all additions, attachments and accessions thereto and substitutions therefor and proceeds therefrom. Lessee agrees to execute such additional documents in form satisfactory to Lessor, that Lessor deems necessary or appropriate to establish and maintain its security interest.

Section 6.03. Personal Property. Lessor and Lessee agree that the Equipment is and will remain personal property. The Equipment will not be deemed to be affixed to or a part of the real estate on which it may be situated, notwithstanding that the Equipment or any part thereof may be or hereafter become in any manner physically affixed or attached to such real estate or any building thereon. Upon the request of Lessor, Lessee will, at Lessee's expense, furnish a waiver of any interest in the Equipment from any party having an interest in any such real estate or building.

ARTICLE VII

ADDITIONAL COVENANTS

Section 7.01. Liens, Taxes, Other Governmental Charges and Utility Charges. Lessee shall keep the Equipment free and clear of all liens, charges and encumbrances, except those created under this Agreement. The parties to this Agreement contemplate that the Equipment will be used for a governmental or proprietary purpose of Lessee and, therefore, that the Equipment will be exempt from all property taxes. If the use, possession or acquisition of the Equipment is found to be subject to taxation in any form, Lessee will pay all taxes and governmental charges lawfully assessed or levied against or with respect to the Equipment. Lessee shall pay all utility and other charges incurred in the use and maintenance of the Equipment. Lessee shall pay such taxes and charges as the same become due; provided that, with respect to any such taxes and charges that may lawfully be paid in installments over a period of years, Lessee shall be obligated to pay only such installments that accrue during the Lease Term.

Section 7.02. Insurance. At its own expense, Lessee shall maintain (a) casualty insurance insuring the Equipment against loss or damage by fire and all other risks covered by the standard extended coverage endorsement then in use in the State and any other risks reasonably required by Lessor in an amount at least equal to the then applicable Purchase Price of the Equipment, (b) liability insurance that protects Lessor from liability in all events in form and amount satisfactory to Lessor, and (c) workers' compensation coverage as required by the laws of the State; provided that, with Lessor's prior written consent, Lessee may self-insure against the risks described in clauses (a) and (b). All insurance proceeds from casualty losses shall be payable as hereinafter provided. Lessee shall furnish to Lessor certificates evidencing such coverage throughout the Lease Term.

All such casualty and liability insurance shall be with insurers that are acceptable to Lessor, shall name Lessee and Lessor as insureds and shall contain a provision to the effect that such insurance shall not be cancelled or modified materially without first giving written notice thereof to Lessor at least ten days in advance of such cancellation or modification. All such casualty insurance shall contain a provision making any losses payable to Lessee and Lessor, as their respective interests may appear.

Section 7.03. Advances. In the event Lessee shall fail to maintain the insurance required by this Agreement or shall fail to keep the Equipment in good repair and operating condition, Lessor may (but shall be under no obligation to) purchase the required policies of insurance and pay the premiums on the same and make such repairs or replacements as are necessary and pay the cost thereof. All amounts so advanced by Lessor shall become additional rent for the then current Original Term or Renewal Term. Lessee agrees to pay such amounts with interest thereon from the date paid at the rate of 10% per annum or the maximum permitted by law, whichever is less.

Section 7.04. Financial Information. Lessee will annually provide Lessor with current financial statements, budgets, proofs of appropriation for the ensuing fiscal year and such other financial information relating to the ability of Lessee to continue this Agreement as may be requested by Lessor.

Section 7.05. Release and Indemnification. To the extent permitted by law, Lessee shall indemnify, protect and hold harmless Lessor from and against any and all liability, obligations, losses, claims and damages whatsoever, regardless of cause thereof, and expenses in connection therewith (including, without limitation, counsel fees and expenses and any federal income tax and interest and penalties connected therewith imposed on interest received) arising out of or as the result of (a) the entering into this Agreement, (b) the ownership of any item of the Equipment, (c) the ordering, acquisition, use, operation, condition, purchase, delivery, rejection, storage or return of any item of the Equipment, (d) any accident in connection with the operation, use, condition, possession, storage or return of any item of the Equipment resulting in damage to property or injury or death to any person or (e) the breach of any covenant herein or any material misrepresentation contained herein. The indemnification arising under this paragraph shall continue in full force and effect notwithstanding the full payment of all obligations under this Agreement or the termination of the Lease Term for any reason.

ARTICLE VIII

DAMAGE, DESTRUCTION AND CONDEMNATION; USE OF NET PROCEEDS

Section 8.01. Risk of Loss. Lessee assumes, from and including the Commencement Date, all risk of loss of or damage to the Equipment from any cause whatsoever. No such loss of or damage to the Equipment nor defect therein nor unfitness or obsolescence thereof shall relieve Lessee of the obligation to make Rental Payments or to perform any other obligation under this Agreement.

Section 8.02. Damage, Destruction and Condemnation. If (a) the Equipment or any portion thereof is destroyed, in whole or in part, or is damaged by fire or other casualty, or (b) title to, or the temporary use of, the Equipment or any part thereof or the interest of Lessee or Lessor in the Equipment or any part thereof shall be taken under the exercise of the power of eminent domain by any governmental body or by any person, firm or corporation acting under governmental authority, Lessee and Lessor will cause the Net Proceeds of any insurance claim or condemnation award to be applied to the prompt replacement, repair, restoration, modification or improvement of the Equipment, unless Lessee shall have exercised its option to purchase the Equipment pursuant to Section 10.01. Any balance of the Net Proceeds remaining after such work has been completed shall be paid to Lessee.

Section 8.03. Insufficiency of Net Proceeds. If the Net Proceeds are insufficient to pay in full the cost of any repair, restoration, modification or improvement referred to in Section 8.01, Lessee shall either (a) complete such replacement, repair, restoration, modification or improvement and pay any costs thereof in excess of the amount of the Net Proceeds, or (b) purchase Lessor's interest in the Equipment pursuant to Section 10.01. The amount of the Net Proceeds, if any, remaining after completing such repair, restoration, modification or improvement or after purchasing the Equipment shall be retained by Lessee. If Lessee shall make any payments pursuant to this Section, Lessee shall not be entitled to any reimbursement therefor from Lessor nor shall Lessee be entitled to any diminution of the amounts payable under Article IV.

ARTICLE IX

WARRANTIES

Section 9.01. Disclaimer of Warranties. *LESSOR MAKES NO WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, AS TO THE VALUE, DESIGN, CONDITION, MERCHANTABILITY OR FITNESS FOR PARTICULAR USE OR PURPOSE OF THE EQUIPMENT OR AGAINST INFRINGEMENT, OR ANY OTHER WARRANTY OR REPRESENTATION WITH RESPECT THERETO. IN NO EVENT SHALL LESSOR BE LIABLE FOR ANY ACTUAL, INCIDENTAL, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGE IN CONNECTION WITH OR ARISING OUT OF THIS AGREEMENT OR THE EXISTENCE, FURNISHING, FUNCTIONING OR LESSEE'S USE OR MAINTENANCE OF ANY EQUIPMENT OR SERVICES PROVIDED FOR IN THIS AGREEMENT.*

Section 9.02. Vendor's Warranties. Lessee may have rights under the contract evidencing the purchase of the Equipment; Lessee is advised to contact the Vendor for a description of any such rights. Lessor hereby assigns to Lessee during the Lease Term all warranties running from Vendor to Lessor.

Lessor hereby irrevocably appoints Lessee its agent and attorney-in-fact during the Lease Term, so long as Lessee shall not be in default hereunder, to assert from time to time whatever claims and rights (including without limitation warranties) related to the Equipment that Lessor may have against the Vendor. Lessee's sole remedy for the breach of any such warranty, indemnification or representation shall be against the Vendor, and not against Lessor. Any such matter shall not have any effect whatsoever on the rights and obligations of Lessor with respect to this Agreement, including the right to receive full and timely payments hereunder. Lessee expressly acknowledges that Lessor makes, and has made, no representation or warranties whatsoever as to the existence or availability of such warranties by the Vendor.

ARTICLE X

OPTION TO PURCHASE

Section 10.01. Purchase Option. Lessee shall have the option to purchase the Equipment, upon giving written notice to Lessor at least 60 days before the date of purchase, at the following times and upon the following terms:

(a) On any Rental Payment Date, upon payment in full of the Rental Payments then due hereunder plus the then applicable Purchase Price to Lessor; or

(b) In the event of substantial damage to or destruction or condemnation of substantially all of the Equipment, on the day Lessee specifies as the purchase date in Lessee's notice to Lessor of its exercise of the purchase option, upon payment in full of the Rental Payments and any other amounts then due hereunder plus (i) the Purchase Price designated on the Payment Schedule for such purchase date if such purchase date is a Rental Payment Date or the Purchase Price for the immediately preceding Rental Payment Date if such purchase date is not a Rental Payment Date, and (ii) if such day is not a Rental Payment Date, an amount equal to the portion of the interest component of the Rental Payment scheduled to come due on the following Rental Payment Date accrued from the immediately preceding Rental Payment Date to such purchase date, computed on the basis of a 360-day year of twelve 30-day months.

Upon the exercise of the option to purchase set forth above, title to the Equipment shall be vested in Lessee, free and clear of any claim by or through Lessor.

Section 10.02. Determination of Fair Purchase Price. Lessee and Lessor hereby agree and determine that the Rental Payments hereunder during the Original Term and each Renewal Term represent the fair value of the use of the Equipment and that the amount required to exercise Lessee's option to purchase the Equipment pursuant to Section 10.01 represents, as of the end of the Original Term or any Renewal Term, the fair purchase price of the Equipment. Lessee hereby determines that the Rental Payments do not exceed a reasonable amount so as to place Lessee under a practical economic compulsion to renew this Agreement or to exercise its option to purchase the Equipment hereunder. In making such determinations, Lessee and Lessor have given consideration to (a) the costs of the Equipment, (b) the uses and purposes for which the Equipment will be employed by Lessee, (c) the benefit to Lessee by reason of the acquisition and installation of the Equipment and the use of the Equipment pursuant to the terms and provisions of this Agreement, and (d) Lessee's option to purchase the Equipment. Lessee hereby determines and declares that the acquisition and installation of the Equipment and the leasing of the

Equipment pursuant to this Agreement will result in equipment of comparable quality and meeting the same requirements and standards as would be necessary if the acquisition and installation of the Equipment were performed by Lessee other than pursuant to this Agreement. Lessee hereby determines and declares that the Maximum Lease Term does not exceed the useful life of the Equipment.

ARTICLE XI

ASSIGNMENT AND SUBLEASING

Section 11.01. Assignment by Lessor. Lessor's interest in, to and under this Agreement and the Equipment may be assigned and reassigned in whole or in part to one or more assignees by Lessor and, to the extent of its interest, by any Registered Owner, without the necessity of obtaining the consent of Lessee; provided that (a) any assignment, other than an assignment to or by a Registered Owner, shall not be effective until Lessee has received written notice, signed by the assignor, of the name, address and tax identification number of the assignee, and (b) any assignment to or by a Registered Owner shall not be effective until it is registered on the registration books kept by the Agent as agent for Lessee. Lessee shall retain all such notices as a register of all assignees (other than Registered Owners) and shall make all payments to the assignee or assignees designated in such register or, in the case of Registered Owners, to the Agent. Lessee agrees that Certificates of Participation may be executed and delivered to the Registered Owners, if any. Lessee agrees to execute all documents, including notices of assignment and chattel mortgages or financing statements that may be reasonably requested by Lessor or any assignee or any Registered Owner to protect its interest in the Equipment and in this Agreement. Lessee shall not have the right to and shall not assert against any assignee or Registered Owner any claim, counterclaim or other right Lessee may have against Lessor.

Section 11.02. Assignment and Subleasing by Lessee. None of Lessee's right, title and interest in, to and under this Agreement and in Equipment may be assigned or encumbered by Lessee for any reason, except that Lessee may sublease all or part of the Equipment if Lessee obtains the prior written consent of Lessor and an opinion of nationally recognized counsel in the area of tax exempt municipal obligations satisfactory to Lessor that such subleasing will not adversely affect the exclusion of the interest components of the Rental Payments from gross income for federal income tax purposes. Any such sublease of all or part of the Equipment shall be subject to this Agreement and the rights of the Lessor in, to and under this Agreement and the Equipment.

ARTICLE XII

EVENTS OF DEFAULT AND REMEDIES

Section 12.01. Events of Default Defined. Subject to the provisions of Section 3.05, any of the following shall be "Events of Default" under this Agreement:

(a) Failure by Lessee to pay any Rental Payment or other payment required to be paid hereunder at the time specified herein;

(b) Failure by Lessee to observe and perform any covenant, condition or agreement on its part to be observed or performed, other than as referred to in Section 12.01(a), for a

period of 30 days after written notice, specifying such failure and requesting that it be remedied, is given to Lessee by Lessor, unless Lessor shall agree in writing to an extension of such time prior to its expiration; provided, however, if the failure stated in the notice cannot be corrected within the applicable period, Lessor will not unreasonably withhold its consent to an extension of such time if corrective action is instituted by Lessee within the applicable period and diligently pursued until the default is corrected;

(c) Any statement, representation or warranty made by Lessee in or pursuant to this Agreement or its execution, delivery or performance shall prove to have been false, incorrect, misleading or breached in any material respect on the date when made;

(d) Any provision of this Agreement shall at any time for any reason cease to be valid and binding on Lessee, or shall be declared to be null and void, or the validity or enforceability thereof shall be contested by Lessee or any governmental agency or authority if the loss of such provision would materially adversely affect the rights or security of Lessor, or Lessee shall deny that it has any further liability or obligation under this Agreement;

(e) Lessee shall (i) apply for or consent to the appointment of a receiver, trustee, custodian or liquidator of Lessee, or of all or a substantial part of the assets of Lessee, (ii) be unable, fail or admit in writing its inability generally to pay its debts as they become due, (iii) make a general assignment for the benefit of creditors, (iv) have an order for relief entered against it under applicable federal bankruptcy law, or (v) file a voluntary petition in bankruptcy or a petition or an answer seeking reorganization or an arrangement with creditors or taking advantage of any insolvency law or any answer admitting the material allegations of a petition filed against Lessee in any bankruptcy, reorganization or insolvency proceeding; or

(f) An order, judgment or decree shall be entered by any court of competent jurisdiction, approving a petition or appointing a receiver, trustee, custodian or liquidator of Lessee or of all or a substantial part of the assets of Lessee, in each case without its application, approval or consent, and such order, judgment or decree shall continue unstayed and in effect for any period of 30 consecutive days.

Section 12.02. Remedies on Default. Whenever any Event of Default exists, Lessor shall have the right, at its sole option without any further demand or notice, to take one or any combination of the following remedial steps:

(a) By written notice to Lessee, Lessor may declare all Rental Payments and other amounts payable by Lessee hereunder to the end of the then current Original Term or Renewal Term to be due;

(b) With or without terminating this Agreement, Lessor may enter the premises where the Equipment is located and retake possession of the Equipment or require Lessee at Lessee's expense to promptly return any or all of the Equipment to the possession of Lessor at a place specified by Lessor, and sell or lease the Equipment or, for the account of Lessee, sublease the Equipment, holding Lessee liable for the difference between (i) the Rental Payments and other amounts payable by Lessee hereunder to the end of the then current Original Term or Renewal Term, and (ii) the net proceeds of any such sale, lease or sublease (after deducting all expenses of Lessor in exercising its remedies under this Agreement, including without limitation,

all expenses of taking possession, storing, reconditioning and selling or leasing the Equipment and all brokerage, auctioneers' and attorneys' fees); and

(c) Lessor may take whatever other action at law or in equity may appear necessary or desirable to enforce its rights as the owner of the Equipment.

In addition, Lessee will remain liable for all covenants and indemnities under this Agreement and for all legal fees and other costs and expenses, including court costs, incurred by Lessor with respect to the enforcement of any of the remedies listed above or any other remedy available to Lessor.

Section 12.03. No Remedy Exclusive. No remedy herein conferred upon or reserved to Lessor is intended to be exclusive and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient. In order to entitle Lessor to exercise any remedy reserved to it in this Article it shall not be necessary to give any notice, other than such notice as may be required in this Article.

ARTICLE XIII

MISCELLANEOUS

Section 13.01. Notices. All notices, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when delivered or mailed by registered mail, postage prepaid, to the parties at the addresses immediately after the signatures to this Agreement (or at such other address as either party hereto shall designate in writing to the other for notices to such party), to any assignee at its address as it appears on the registration books maintained by Lessee or the Agent.

Section 13.02. Binding Effect. This Agreement shall inure to the benefit of and shall be binding upon Lessor and Lessee and their respective successors and assigns.

Section 13.03. Severability. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 13.04. Entire Agreement. This Agreement constitutes the entire agreement between Lessor and Lessee.

Section 13.05. Amendments. This Agreement may be amended by Lessor and Lessee; provided, however, that no amendment that affects the rights of the Registered Owners shall be effective unless it shall have been consented to by the Registered Owners of a majority in aggregate principal amount of the Certificates of Participation, if any, then outstanding.

Section 13.06. Execution in Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 13.07. Captions. The captions or headings in this Agreement are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Agreement.

Section 13.08. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State.

IN WITNESS WHEREOF, Lessor and Lessee have caused this Agreement to be executed in their corporate names by their duly authorized officers as of the date first above written.

GARNETT STATE SAVINGS BANK

By: _____
Title: _____
Address: _____

[SEAL]

ATTEST:

Title: _____

CITY OF GARNETT, KANSAS

By: _____
Name: _____
Title: _____
Address: 131 West Fifth Street, Garnett, Kansas 66032

SEAL]

ATTEST:

Joyce E. Martin, City Clerk

A Full
Service City.



Municipal Gas,
Electricity, Water

CITY OF GARNETT

131 WEST FIFTH STREET - PHONE 913-448-5496

Post Office Box H
GARNETT, KANSAS 66032

EXHIBIT A TO EQUIPMENT-LEASE/PURCHASE AGREEMENT

OPINION OF LESSEE'S COUNSEL

As legal counsel to Lessee, I have examined (a) the foregoing Agreement, which, among other things, provides for the sale to and purchase by the Lessee of the Equipment, (b) an executed counterpart of the ordinance or resolution of Lessee which, among other things, authorizes Lessee to execute the Agreement and (c) such other opinions, documents and matters of law as I have deemed necessary in connection with the following opinions.

Based on the foregoing, I am of the following opinions:

- (1) Lessee is a public body corporate and politic, duly organized and existing under the laws of the State, and has a substantial amount of one or more of the following sovereign powers:
 - (a) the power to tax,
 - (b) the power of eminent domain, and
 - (c) police power;
- (2) Lessee has the requisite power and authority to purchase the Equipment and to execute and deliver the Agreement and to perform its obligations under the Agreement;
- (3) the Agreement and the other documents either attached thereto or required therein have been duly authorized, approved and executed by and on behalf of Lessee, and the Agreement is a valid and binding obligation of Lessee enforceable in accordance with its terms.
- (4) the authorization, approval and execution of the Agreement and all other proceedings of Lessee relating to the transactions contemplated thereby have been

performed in accordance with all open meeting laws, public bidding laws and all other applicable state and federal laws; and

- (5) there is no proceeding pending or threatened in any court or before any governmental authority or arbitration board or tribunal that, if adversely determined, would adversely affect the transactions contemplated by the Agreement or the security interest of Lessor or its assigns, as the case may be, in the Equipment.

All capitalized terms herein shall have the same meanings as in the foregoing Agreement.

Lessor, its successors and assigns, including without limitation any Registered Owners, and any counsel rendering an opinion on the tax-exempt status of the interest components of Rental Payments are entitled to rely on this opinion.

Dated: April _____, 1995.

Name: Terry J. Solander
City Attorney
Address: 503 South Oak,
Garnett, Kansas 66032
Telephone No.: 913-448-6131

(Published in *The Anderson Countian* on Thursday, April 27, 1995)

ORDINANCE NO. 3125

AN ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS TO ISSUE ITS TAXABLE INDUSTRIAL REVENUE BONDS (ANDERSON COUNTY HOSPITAL - MEDICAL OFFICE BUILDING PROJECT) SERIES 1995 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$450,000 FOR THE PURPOSES OF ACQUIRING, CONSTRUCTING AND EQUIPPING A MEDICAL OFFICE BUILDING FACILITY; AUTHORIZING EXECUTION OF AN INDENTURE OF TRUST BY AND BETWEEN THE CITY AND THE TRUSTEE NAMED THEREIN; AUTHORIZING THE CITY TO LEASE SUCH FACILITY TO THE BOARD OF TRUSTEES OF ANDERSON COUNTY HOSPITAL.

WHEREAS, the City of Garnett, Kansas (the "Issuer") is authorized by K.S.A. 12-1740 *et seq.*, as amended (the "Act"), to acquire, construct, improve and equip certain facilities (as defined in the Act) for commercial, industrial and manufacturing 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

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, (Anderson County Hospital Medical Office Building Project) Series 1995, in the aggregate principal amount of \$450,000 (the "Bonds"), for the purpose of acquiring, constructing and equipping a medical office building facility (the "Project"), as more fully described in the Indenture and in the Lease hereinafter authorized for lease by the Issuer to The Board of Trustees of Anderson County Hospital (the "Lessee"); and

WHEREAS, the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of the Bonds to execute and deliver (i) an Indenture of Trust dated as of April 15, 1995 (the "Indenture"), with Union State Bank, Clay Center, Kansas, as Trustee (the "Trustee"), prescribing the terms and conditions of issuing and securing the Bonds; (ii) a Lease Agreement dated as of April 15, 1995 (the "Lease"), with the Tenant under which the Issuer shall cause the Project to be acquired, constructed, equipped and to be leased to the Lessee in consideration of payments of Basic Rent and other payments provided for therein, and (iii) a Bond Purchase Agreement providing for the sale of the Bonds by the Issuer (collectively, the "Bond Documents");

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 herein authorized.

Section 2. **Authority to Cause the Project to be Purchased and Constructed.** The Issuer is hereby authorized to cause the Project to be acquired, constructed and equipped all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized.

Section 3. Authorization of and Security for the Bonds. The Issuer is hereby authorized and directed to issue its Taxable Industrial Revenue Bonds (Anderson County Hospital Medical Office Building Project) Series 1995, in the aggregate principal amount of \$450,000 (the "Bonds"), for the purpose of acquiring, constructing and equipping a medical office building facility (the "Project"), as more fully described in the Indenture and in the Lease hereinafter authorized for lease by the Issuer to the Lessee. 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 in the manner prescribed and subject to the provisions, covenants and agreements set forth in the Indenture. The Bonds shall be special limited obligations of the Issuer payable solely from the Trust Estate under the Indenture, including revenues from the Lease of the Project. The Bonds shall not be general obligations of the Issuer, nor constitute a pledge of the faith and credit of the Issuer and shall not be payable in any manner by taxation.

Section 4. Authorization of Indenture. The Issuer is hereby authorized to enter into the Indenture with the Trustee in the form approved herein, under which the Issuer shall pledge to the Trustee, for the benefit of the owners of the Bonds, the Trust Estate as described in the Indenture, on the terms and conditions set forth in the Indenture.

Section 5. Lease of the Project. The Issuer shall cause the Project to be acquired, constructed and equipped and to be leased to the Lessee pursuant to and in accordance with the provisions of the Lease in the form approved herein.

Section 6. Authorization of Bond Purchase Agreement. The Bonds shall be sold and delivered to Piper Jaffray Inc., upon the terms and subject to the provisions of the Bond Purchase Agreement in the form approved herein among the Issuer, the Lessee and Piper Jaffray Inc., as the Original Purchaser.

Section 7. Execution of Bonds and Bond Documents. The Mayor or Acting Mayor of the Issuer is hereby authorized and directed to execute the Bonds and deliver them to the Trustee for authentication on behalf of, and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor or Acting Mayor is further authorized and directed to execute and deliver the Bond Documents on behalf of, and as the act and deed of the Issuer in substantially the forms presented for review prior to passage of this ordinance, with such corrections or amendments thereto as the Mayor or Acting Mayor may approve, 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 and the Bond Documents. The City Clerk or the Deputy City Clerk of the Issuer is hereby authorized and directed to attest the execution of the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out the intent of this ordinance under the Issuer's official seal.

Section 8. Further Authority. The officials, 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 the provisions of this Ordinance and to carry out and perform the duties of the Issuer with respect to the Bonds and the Bond Documents as necessary to give effect to the transactions contemplated in this ordinance and in the Bond Documents.

Section 9. Effective Date. This ordinance shall take effect from and after its passage by the governing body of the Issuer, signature by the Mayor and publication once in the official newspaper of the Issuer.

PASSED by the governing body of the City of Garnett, Kansas this 25th day of April, 1995.

SIGNED by the Mayor of the City of Garnett, Kansas this 25th day of April, 1995.

[SEAL]

Sandra K. Peine
Mayor

Attest:

Joyce E. Martin
City Clerk

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 that the zoning classification of the following described lands situate in Anderson County, Kansas, to-wit:

Lots One (1), Two (2), and Three (3), Block One (1), Chapin's Addition to the City of Garnett;

is hereby changed from R-1 (Residential-Low Density) to R-2 (Residential-Medium Density).

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, three voting Aye; none voting Nay; and approved this 9th day of May, 1995.

Sandra K. Pease
Mayor

A T T E S T:

Jay E. Martin
City Clerk

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 that the zoning classification of the following described lands situate in Anderson County, Kansas, to-wit:

Lots One (1) and Six (6) in Block One (1), Maggio Addition to the City of Garnett, Kansas;

is hereby changed from R-1 (Residential-Low Density) to O-I (Office-Institutional).

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, 3 voting Aye; 0 voting Nay; and approved this 23rd day of May, 1995.

Sandra K. Peine
Mayor

A T T E S T:

James E. Martin
City Clerk

ORDINANCE NO. 3131

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 14(B) OF THE MUNICIPAL CODE, SUCH AMENDMENT REQUIRING EVIDENCE OF THE ISSUANCE OF A KANSAS OR OTHER STATE'S BOAT REGISTRATION NUMBER FOR EACH BOAT, CANOE, OR OTHER VESSEL FOR WHICH A BOATING PERMIT FROM THE CITY OF GARNETT IS SOUGHT; 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) 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 where 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

Anderson County Residents:

Boats with motors in excess of 40 HP	\$ 15.00
Boats with motors with 40 HP or less	5.00
Nonmotorized craft, i.e. sailboats, canoes, etc.	5.00

General (Nonresident of Anderson County):

Boats with motors in excess of 40 HP	\$ 35.00
Boats with motors with 40 HP or less	10.00
Nonmotorized craft, i.e. sailboats, canoes, etc.	10.00

Three-Day Temporary Permit Fees

Boats with motors in excess of 40 HP	\$ 15.00
Boats with motors 40 HP or less and all nonmotorized craft, i.e. sailboats, canoes, etc.	5.00

5131

2. (a) Upon furnishing evidence of a valid Kansas boat registration number in force for the period for which a City boating permit is sought for each period for which a boat, canoe, or other vessel and upon payment of the required permit fee provided in subsection (b)1 hereof, the City Clerk shall issue a decal or other insignia of distinctive design, which shall be changed annually to correspond with the registration period, and which such decal or insignia shall be permanently affixed to the boat to which it is issued and displayed at all times thereon and so maintained as to be clearly visible and legible. The decal or insignia shall be placed within one foot (1') of the transom and within two feet (2') of the left corner of said vessel.

(b) Non-residents of Kansas may furnish evidence of a valid boat registration in their state of residence in lieu of Kansas boat registration called for in subparagraph (a).

3. In order to permit participation in single-day events of City or area wide importance, the City Manager is hereby authorized to waive the provisions of subsection (b)1 hereof and cause to be issued a temporary, one-day permit for any boat, canoe, or other vessel to be used upon the waters of any lake within any City park for participation in that event and for the purpose only, which said temporary permit shall expire at midnight on the day of such event and shall thereafter be of no purpose.

4. An annual permit may be transferred upon the sale of the boat for which it was issued, to a replacement boat, canoe, or vessel titled or owned by the same person upon the applicant's demonstrating the replacement boat, canoe, or vessel has a valid Kansas boat registration number and upon the payment of a two dollar (\$2.00) transfer fee. Lost or damaged decals will be replaced on the payment of two dollars (\$2.00).

5. The City Manager is hereby authorized to promulgate reasonable regulations in order to carry out the administration and operation of this subsection.

SECTION 2: Title 9, Chapter 5, Section 14(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 its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED this 13th day of June, 1995.

Sandra K. Paine
Mayor

A T T E S T:

Joy E. Martin
City Clerk

ORDINANCE NO. 3133

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

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

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

4-6-4: MONTHLY CHARGES: The following be, and hereby are, established as the monthly service charges to be paid to the City by all persons, corporations, political subdivisions and organizations whose premises are connected, or may be hereafter connected, to the sanitary sewer system of the City:

- (A) For sewer connections receiving water from the City's water supply system and discharging sewage in the sewage system which does not place an unusual burden on the said sewage system by reason of volume, type or character of sewage, sewer charges shall be calculated monthly and shall be based on the gross consumption of water by such customer as recorded by each water meter serving the premises of such customer as follows:
1. Residential Service: The net rate per month for sanitary sewer system service under this classification shall be the sum of the customer charge and a service charge computed at the applicable rate as provided in Section 7 of this Chapter, per each one thousand (1,000) gallons of water.
 2. General Service: The net rate per month for sanitary sewer system service under this classification shall be the sum of the customer charge and a service charge computed at the applicable rate as provided in Section 7 of this Chapter, per each one thousand (1,000) gallons of water.
 3. At the end of the three (3) month period consisting of the consecutive months of January, February, and March of each year, commencing with the year 1983, the average monthly gross consumption of water by each customer during said three (3) month period shall be ascertained and the monthly sewage service charges paid by such customer for each of the following twelve (12) months shall be based upon the average monthly consumption of water by such customer during this three (3) month period. In the event a user or customer of the sewage disposal system has not been a consumer of water during the

entire said three (3) month period, the base consumption of such user or customer shall be computed on the portion of said three (3) month period that said user or customer was a consumer of water. For any user or customer of the sewage disposal system who has not been a consumer of water during any of said three months period, the minimum monthly charge to any such user shall be the sum of the applicable customer charge plus three (3) times the service charge for one thousand (1,000) gallons of water, as provided in Section 7 of this Chapter. Rates established under this subsection shall not preclude the addition to such rate for additional charges as may be applicable under Subsection 4 or Subsection 5 hereof.

4. For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance, including replacement, is
 - (a) For each pound of BOD, the charge fixed in Section 7 of this Chapter shall be applied; and
 - (b) For each pound of SS, the charge fixed in Section 7 of this Chapter shall be applied.
5. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the governing body.
 - (B) For each customer having a sewer connection with the City's sewer system, but receiving water from a source other than the City's water supply system, and discharging sewage in the City's sanitary sewage system which does not place an unusual burden on the said sewage system by reason of volume, type, or character of sewerage, there shall be imposed a monthly sewer charge which shall be the sum of the applicable customer charge and the service charge against each one thousand (1,000) gallons of water from whatever alternate source obtained or purchased, at the rates provided in Section 7 of this Chapter. The City may require such proof as

is reasonable of the quantity of water and consumption from such other source in order to determine the rate; and the failure to provide such proof may, at the City's option, be grounds to terminate the customer's sanitary sewer connection to the City's sewer system or to estimate such water consumption and upon such estimate to calculate a monthly sewer charge.

- (C) For each customer having a sewer connection receiving water from a source other than the City's water supply system and discharging sewage in the sewage system which does place an unusual burden on the said sewage system, fair and equitable sewage charges may be fixed from time to time by the governing body of the City, taking into consideration the sewage burden aforesaid. If the quantity or type and character of such sewage discharged into the system shall render it difficult to establish a fair and equitable sewer charge, the customer shall at his sole cost and expense install and maintain in good operating condition suitable meters or measuring devices of standard type and design at an appropriate point or points as necessary to properly measure the customer's sewer discharge and shall permit the City to perform the reading of such metering device, and sewer charges for such customer shall be established in accordance with such metering records.

SECTION 2: Title 4, Chapter 6, Section 7 of the Municipal Code is hereby amended to read as follows:

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

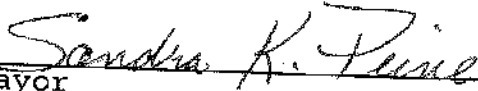
- (A) Residential Service: The customer charge for this class of service shall be six dollars fifty cents (\$6.50) per month; the sewer service charge for this class of service shall be one dollar fifty-five cents (\$1.55) per one thousand (1,000) gallons of water.
- (B) General Service: The customer charge for this class of service shall be six dollars fifty cents (\$6.50) per month; the sewer service charge for this class of service shall be one dollar fifty-five cents (\$1.55) per one thousand (1,000) gallons of water.
- (C) The BOD surcharge shall be \$0.512 per pound.
- (D) The SS surcharge shall be \$0.348 per pound.
- (E) The service charges established herein for the use of the municipal sanitary sewer system shall apply to the month of Aug., 1995 and all months thereafter. 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 3: Title 4, Chapter 6, Section 4 and Title 4, Chapter 6, Section 7 of the Municipal Code, as both presently exist, are hereby repealed.

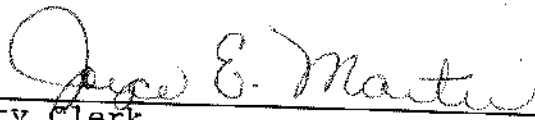
SECTION 4: This Ordinance shall take effect and be in force from and after its passage and publication, one (1) time, in an official newspaper of the City of Garnett, Kansas.

PASSED By the Governing Body this 11th day of July, 1995.



Mayor

A T T E S T:



City Clerk

(Published in *The Anderson Countian* on Thursday, July 27, 1995)

ORDINANCE NO. 3136

AN ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS TO ISSUE ITS INDUSTRIAL REVENUE BONDS (ASTRO CAP MANUFACTURING-WEST, INC. PROJECT), SERIES 1995 IN AN AGGREGATE PRINCIPAL AMOUNT OF \$520,000 FOR THE PURPOSE OF PROVIDING FUNDS TO ACQUIRE, IMPROVE AND EQUIP A MANUFACTURING FACILITY TO BE LEASED BY THE CITY TO ASTRO CAP MANUFACTURING-WEST, INC., A MICHIGAN CORPORATION; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the City of Garnett, Kansas (the "Issuer") is authorized by K.S.A. 12-1740 to 12-1749c, inclusive, as amended (the "Act"), to acquire, construct, improve and equip certain facilities (as defined in the Act) for commercial, industrial and manufacturing purposes, and to enter into leases and lease-purchase agreements with any person, firm or corporation for said facilities, and to issue revenue bonds for the purpose of paying the cost of any such facilities; 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 Industrial Revenue Bonds (Astro Cap Manufacturing-West, Inc. Project), Series 1995, in the aggregate principal amount of \$520,000 (the "Bonds"), for the purpose of paying the costs of acquiring, improving and equipping a certain manufacturing facility (the "Project"), as more fully described in the Indenture and in the Lease hereinafter authorized and which Project shall be leased by the Issuer to Astro Cap Manufacturing-West, Inc., a Michigan corporation (the "Company");

WHEREAS, the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of the Bonds that the Issuer enter into certain documents, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

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

Section 1. Authorization of the Bonds. The Issuer is hereby authorized to issue and sell its Industrial Revenue Bonds (Astro Cap Manufacturing-West, Inc. Project), Series 1995, in an aggregate principal amount of \$520,000, for the purpose of providing funds to acquire, improve and equip the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such dates, shall mature at such times and in the amounts, shall be in such denominations, shall bear interest at such rates, shall be in such forms, shall be subject to redemption, shall have such other terms and provisions, and shall be issued, executed and delivered in such manner subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be sold to the Underwriter at a price of 98% of the principal amount thereof. The Bonds and the interest thereon shall be limited obligations of the Issuer payable solely out of the payments, revenues and receipts derived by the Issuer from the Lease described below, and such payments, revenues and receipts shall be pledged and assigned to the Trustee named below as security for the payment of the Bonds as provided in the Indenture.

Section 2. Authorization of Documents. The Issuer is hereby authorized to enter into the following documents (the "Issuer Documents"), in substantially the forms presented to and reviewed by the Issuer at this meeting (copies of which documents shall be filed in the official records of the Issuer), with such changes therein as shall be approved by the officials of the Issuer executing such documents, such officials' signatures thereon being conclusive evidence of their approval thereof:

(a) Trust Indenture dated as of July 1, 1995 (the "Indenture"), between the Issuer and Boatmen's Trust Company, Kansas City, Missouri (the "Trustee"), pursuant to which the Bonds shall be issued and the Issuer shall pledge and assign the payments, revenues and receipts received pursuant to the Lease to the Trustee for the benefit and security of the owners of the Bonds upon the terms and conditions as set forth in said form of Indenture ;

(b) Lease dated as of July 1, 1995 (the "Lease"), between the Issuer and the Company, under which the Issuer will acquire the Project and lease the Project to the Company pursuant to the terms and conditions in said Lease, in consideration of Lease Payments by the Company which will be sufficient to pay the principal of, premium, if any, and interest on the Bonds;

(c) Bond Purchase Agreement, dated as of the date set forth therein (the "Bond Purchase Agreement") by and among the Issuer, the Company and Piper Jaffray Inc., Kansas City, Missouri (the "Underwriter"), pursuant to which the Underwriter agrees to purchase the Bonds from the Issuer upon certain conditions ;and

(d) Tax Abatement Agreement, dated as of July 1, 1995 (the "Abatement Agreement"), by and between the Issuer and the Company, pursuant to which the Issuer has granted the Company certain rights with respect to the abatement of *ad valorem* taxes on the Project.

Section 3. Approval of Guaranty. The Issuer hereby approves the Guaranty Agreement dated as of July 1, 1995 (the "Guaranty"), among the Tenant, Astro Cap Manufacturing, Inc. and Charles R. Rogers, as guarantors (collectively, the Guarantors"), and the Trustee, in substantially the form presented to the Issuer (a copy of which document shall be filed in the official records of the Issuer) with such changes therein as shall be necessary to provide for the execution of such documents by the parties thereto.

Section 4. Execution of Documents. The Mayor 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 is hereby authorized and directed to execute and deliver the Issuer Documents for and on behalf of and as the act and deed of the Issuer. The City Clerk or the Deputy City Clerk of the Issuer is hereby authorized and directed to attest to the Bonds and such Issuer Documents and other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to affix the official seal of the Issuer to such documents, certificates and instruments.

Section 5. Pledge of the Project. The Issuer hereby pledges the Project to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by such pledge shall be discharged when all of the Bonds and any Additional Bonds issued under the terms of the Indenture shall be deemed to have been paid within the meaning of the Indenture.

Section 6 Further Authority. The Issuer shall, and the officials, agents and employees of the Issuer are hereby authorized and directed to, take such further action, 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.

Section 7. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the City Commission of the Issuer.

PASSED by the City Commission of the City of Garnett, Kansas this 25th day of July, 1995.

(SEAL)

Sandra K. Peine
Mayor

ATTEST:

Jay E. Martin
City Clerk

ORDINANCE NO. 3138

AN ORDINANCE VACATING A PART OF THE UTILITY EASEMENTS IN WHAT IS COMMONLY CALLED THE PRETZER ADDITION TO THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST; AND PROVIDING 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 tracts of real estate situated in Anderson County, Kansas, all being a part of what is commonly called the Pretzer Addition to the City of Garnett, Kansas, are hereby vacated as public utility easements, except as specifically reserved, to-wit:

- (a) A tract of land 32.5 feet wide on either side of a line beginning 332.5 feet South of the Northeast Corner of the South Half (S/2) of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20), Range Twenty (20), thence extending West 987.5 feet to a point 332.5 feet East and 327.5 feet North of the Southwest Corner of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of said Section 29, thence North 147.5 feet, thence West 300 feet to the east end of Monroe Street, in the City of Garnett, except and reserving, however, for all utility purposes the following part thereof: A strip of land 60 feet wide along the South side of Lot One (1), Block Two (2) of said Pretzer Addition. This easement was originally declared a public utility easement by instrument in writing executed on or about the 4th day of September, 1969, by various grantors, and the same appears of record in Book 2 MCL, at Page 282, in the office of Register of Deeds of Anderson County, Kansas, and also appears drawn on the face of said Plat.
- (b) A tract of land 15 feet in width running more or less from the Northwest Corner of Lot One (1), Block Two (2) south and easterly to the Southwest Corner of Lot Five (5), Block One (1), all in Pretzer Addition.
- (c) A strip of ground 15 feet in width beginning toward (but not completely into) the Northwest Corner of Lot Eight (8), Block One (1) and running Southwesterly into the Southeast Corner of Lot Seven (7) of said Block and then turning to a Southwesterly direction and continuing across what was Monroe Avenue (but now has heretofore been vacated) on into Lot Seven (7), Block Two (2) from the Northwest Corner of said Lot to the South boundary thereof.


The said Addition was platted and the Plat is recorded at Page 104 of the Plat Book in the office of Register of Deeds, Anderson County, Kansas, on the 28th day of December, 1976.

SECTION 2: Within a period of thirty (30) days after the publication of this Ordinance as provided by K.S.A. 14-423, one or more interested persons may file a written protest to the said vacation of the said easements in the office of City Clerk of the City of Garnett, Kansas, 131 West Fifth Avenue, Garnett, Kansas; and unless a written protest is filed within the said thirty (30) days, this Ordinance shall become effective.

SECTION 3: 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, Anderson County, Kansas, and shall be placed of record in each office as provided by law.

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

PASSED This 8th day of August, 1995.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTION 14 OF THE MUNICIPAL CODE GOVERNING THE GRANTING OF PERMITS FOR HAULING ONES OWN REFUSE OR WASTE, AND INCREASING THE ANNUAL FEE THEREFOR; REPEALING EXISTING TITLE, CHAPTER, AND SECTION

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

SECTION 1: Title 7, Chapter 2, Section 14 of the Municipal Code is hereby amended to read as follows:

7-2-14: PERMITS:


- (A) No person shall collect or haul over the streets, alleys or highways of the City any refuse or waste, unless such person shall have a permit from the City of Garnett, Kansas; provided, that this Section shall not apply to departments of City government; provided further, that nothing in this Section shall be construed to prevent a person from hauling or disposing of his own refuse, accumulated at his residence or business establishment, in such a manner as not to endanger the public health or safety, not to create a nuisance to the inhabitants of said City, and not to litter the streets, alleys or highways of said City, and after having obtained a permit from the City Clerk so to haul and dispose of his own refuse. Provided further, that such person shall have hauling equipment meeting Kansas State Department of Health requirements, and that the place and method of disposal used is in accordance with Kansas State Department of Health requirements.
- (B) Every person desiring to haul his own refuse shall first make written application to the City Clerk on a form provided by the City. Such form shall request the following: The name of such person, the residence address thereof or the address of the place of business, a description of the equipment to be used in the disposal of such refuse, the nature and approximate quantities of refuse to be hauled, the place of disposal, and the method of disposal to be practiced, and such other information as may reasonably assist the City in administering or enforcing this Chapter. Upon approval of such application, the City Clerk shall issue an annual permit to the applicant. The annual permit fee shall be seventy-five dollars (\$75.00), payable in advance to the City Clerk.

- (C) A permit issued under this Section shall expire on December 31 of each year. The fee for permits issued for partial years shall not be pro-rated. Permits shall be renewable annually in the same manner and upon payment of the same annual fee as provided in Subsection (B) hereof.

SECTION 2: Title 7, Chapter 2, 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 8th day of AUGUST, 1995.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE VACATING A PART OF STAR STREET WITHIN THE BAILEY ORCHARD PARK ADDITION TO THE CITY OF GARNETT, KANSAS, ACCORDING TO THE REVISED PLAT THEREOF; AND PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST; AND PROVIDING FURTHER 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, and being a part of Bailey Orchard Park Addition to the City of Garnett, Kansas (Revised Plat of 1978), is hereby vacated as a public street, to-wit:

Commencing at the Northwest Corner of Lot Eight (8), Block Seven (7), thence East 95 feet, thence North 38 feet, thence West 95 feet, thence South 38 feet to the place of beginning, all within Bailey Orchard Park Addition to the City of Garnett, Kansas, according to the recorded Plat thereof as revised in 1978, said Plat being recorded at Page 108 of the Official Plat Record Book, office of Register of Deeds, Anderson County, Kansas.

Except and reserving unto the City of Garnett, Kansas: For all utility purposes a strip 10 feet in width along the East end of the above described tract so as to connect the existing utility easements along the East side of Lots Eight (8) and Nine (9) of said Block Seven (7) and to provide an uninterrupted utility easement in the strip connecting said Lots Eight (8) and Nine (9).

SECTION 2: Within a period of thirty (30) days after the publication of this Ordinance as provided by K.S.A. 14-423, one or more interested persons may file a written protest to the said vacation of the said street easement in the office of the City Clerk, City of Garnett, Kansas, at City Hall, 131 West Fifth Avenue, Garnett, Kansas; and unless a written protest is filed within the said thirty (30) day period, this Ordinance shall become effective.

SECTION 3: A certified copy of this Ordinance, after the same becomes effective, shall be filed by the City Clerk in the offices of County Clerk, Anderson County, Kansas, and Register of Deeds, Anderson County, Kansas, and shall be placed of record in each office as provided by law.

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.

PASSED This 8th day of August, 1995.

Sandra K. Pencil
Mayor

A T T E S T:

Joy E. Martin
City Clerk

ORDINANCE NO. 3143

AN ORDINANCE VACATING CEDAR STREET BETWEEN ITS INTERSECTION WITH WASHINGTON AVENUE ON THE SOUTH AND MONROE STREET ON THE NORTH; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST; AND PROVIDING FURTHER 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, and being a part of the Tawney and Parkview Additions to the City of Garnett, Kansas, is hereby vacated as a public street, to-wit:

All that part of Cedar Street lying north of the point of its intersection with the right-of-way of Washington Avenue to the south and lying south of its intersection with the south right-of-way line of Monroe Street (formerly Madison Street and so designated on the original Plat of Parkview Addition).

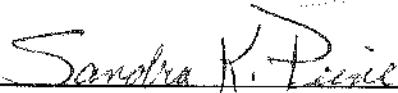
Except and reserving unto the City of Garnett, Kansas: The entirety of such vacated street is hereby reserved for the use and benefit of the City of Garnett, Kansas for all utility purposes as and for an easement, in perpetuity.

SECTION 2: Within a period of thirty (30) days after the publication of this Ordinance as provided by K.S.A. 14-423, one or more interested persons may file a written protest to the said vacation of the said street easement in the office of the City Clerk, City of Garnett, Kansas, at City Hall, 131 West Fifth Avenue, Garnett, Kansas; and unless a written protest is filed within the said thirty (30) day period, this Ordinance shall become effective.

SECTION 3: A certified copy of this Ordinance, after the same becomes effective, shall be filed by the City Clerk in the offices of County Clerk, Anderson County, Kansas, and Register of Deeds, Anderson County, Kansas, and shall be placed of record in each office as provided by law.

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.

PASSED This 12th day of September, 1995.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3144

AN ORDINANCE AMENDING TITLE 1, CHAPTER 3, SECTION 1 OF THE MUNICIPAL CODE FIXING GENERAL PENALTIES UPON CONVICTION OF VIOLATION OF SOME SECTIONS OF THE MUNICIPAL CODE: REPEALING EXISTING SECTION: ALSO REPEALING SECTIONS 2, 3, AND 4 OF SAID TITLE AND CHAPTER.

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

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

1-3-1: PENALTY:

Any person convicted of violating any section of this code shall be punished as provided in this section unless some other penalty shall be fixed elsewhere in this code for such violation. Either fine or imprisonment or both fine and imprisonment may be imposed.

- A. By imprisonment for a definite term in the municipal jail or the Anderson County jail which shall be fixed by the court not to exceed six (6) months.
- B. By a fine in a sum not exceeding one thousand dollars (\$1,000.00).
- C. In addition to or in lieu of any other sentence authorized by law, whenever there is evidence that the act constituting the violation was substantially related to the possession, use, or ingestion of either cereal malt beverage or alcoholic liquor by such person the court may order such person to attend and satisfactorily complete an alcohol or drug education training program at a facility licensed by the State of Kansas.
- D. In addition to or in lieu of any other sentence authorized by law or any portion thereof whenever there is evidence that the act constituting the violation resulted in damage to property the person convicted may be ordered to make restitution for such damage to the owner of such property or other victim.
- E. Unless otherwise specifically provided in this code nothing in this section shall be deemed to limit the court's authority to release the person

convicted without imposition of sentence, to grant probation or parole with or without conditions imposed thereon, or to make remittitur or any fine or portion thereof.

SECTION 2. Title 1, Chapter 3, Section 1 of the municipal code is the same presently exists and Title 1, Chapter 3, Section 2, 3 and 4 of the municipal code are hereby repealed.

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

PASSED this 12th day of September, 1995.

Sandra K. Peene
Mayor

ATTEST:

Opal E. Martin
City Clerk

ORDINANCE NO. 3147

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CITY OF GARNETT, KANSAS, AND AMENDING TITLE 10, CHAPTER 7, SECTIONS 1, 2 and 3 OF THE MUNICIPAL CODE; ADOPTING AND INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", 1995 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", 1995 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 hereinafter 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. 3147" 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 2 of the Municipal Code, is hereby amended to read as follows:

10-7-2: SPECIFIC MAXIMUM SPEED LIMITS NOT AMENDED OR REPEALED:

Article 7, Section 33 of the Standard Traffic Ordinance for Kansas Cities, Edition of 1995, as adopted in Section 1 above, shall not be construed to effect an amendment or repeal of any of the specific maximum speed limit provisions set forth in Title 10, Chapter 4 of the Municipal Code or the special school zone limits set forth in Title 10, Chapter 8 of the

Municipal Code which said special maximum speed limits and school zone limits shall apply in the designated areas, superseding the provisions of said Section 33 therein.

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

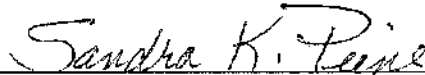
10-7-3: OMISSION: Article 20, Section 201 of the Standard Traffic Ordinance for Kansas Cities, edition of 1995, is hereby omitted.

SECTION 4: This ordinance shall be deemed amendatory to Title 10, Chapter 7 of the Municipal Code and the penalty provisions remaining in Title 10, Chapter 7, Section 4, shall be fully applicable hereto.

SECTION 5: Title 10, Chapter 7, Sections 1 through 3 inclusive 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 conditions as if the original ordinances or code sections had not been 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 _____ day of October, 1995.



Mayor

A T T E S T:

City Clerk

RESOLUTION NO. 96-97-5

RESOLUTION TO REQUEST ENFORCEMENT
OF CITY OF GARNETT TRAFFIC ORDINANCES AT
ANDERSON COUNTY JUNIOR - SENIOR HIGH SCHOOL

WHEREAS, the Board of Education of Unified School District No. 365, Anderson County, Kansas, has determined that it would be in the best interests of the students, faculty, staff, and patrons of the District to request that the City of Garnett enforce all of the provisions of its Standard Traffic Ordinance on the grounds of the Anderson County Junior - Senior High School; and

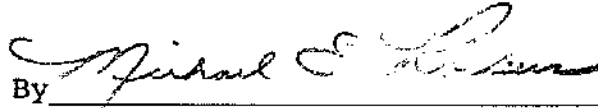
WHEREAS, it is necessary for the said District to adopt a resolution requesting that this ordinance be enforced upon the private property of the District by the City of Garnett;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of Unified School District No. 365, Anderson County, Kansas, in regular meeting duly assembled this 11th day of July, 1996, that the Board request the City of Garnett to enforce all of the provisions of its Ordinance No. 3147 as adopted by the said city on October 10, 1995, and any succeeding ordinances which may hereafter be adopted by the City of Garnett for the purpose of regulating traffic within the said City, upon the school grounds, including all roadways and parking lots of the Anderson County Junior - Senior High School; and


BE IT FURTHER RESOLVED that the Clerk of said Board shall cause a certified copy of this resolution to be delivered to the City of Garnett upon its passage by the Board.

Upon motion of Margie Bunnell and seconded by
Rick Feuerborn, the foregoing resolution was duly
adopted with the following members voting "aye": Norman Elliss,
Gary Teel, Mike Rockers, Dr. Fred Gardner, Margie Bunnell, Jim Sobba and
Rick Feuerborn
and the following members voting "nay" _____

UNIFIED SCHOOL DISTRICT NO. 365
Anderson County, Kansas

By 
President

ATTEST:

By 
Clerk

ORDINANCE NO. 3148

AN ORDINANCE AMENDING TITLE 4, CHAPTER 5, SECTION 5(B) AND SECTION 5(C) REGULATING PERIODIC RATES CHARGED FOR POTABLE WATER SOLD AND DELIVERED BY THE GARNETT MUNICIPAL WATER UTILITY; REPEALING EXISTING RATES.

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

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

4-4-5(B): Water Service; Periodic Rates: Water sold and delivered by the 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 10-1-1995 & Before 4-1-1996	Billings After 4-1-1996
1. Residential--Service--Standard:		
Customer Charge	\$ 7.70	\$ 8.50
Water (per 1000 gals.)	4.45	4.90
2. Residential--Service--Outside City:		
Customer Charge	\$15.40	\$16.95
Water (per 1000 gals.)	6.00	6.60
3. General--Service--Standard:		
Customer Charge	\$11.00	\$12.00
Water (per 1000 gals.)	4.45	4.90
4. General--Service--Outside City:		
Customer Charge	\$16.55	\$18.20
Water (per 1000 gals.)	6.00	6.60

SECTION 2: Title 4, Chapter 4, Section 5(C) is hereby amended to read as follows:

4-4-5(C): Coin Sales: All water sold by the City of Garnett from its water utility at coin-operated dispensing units shall be charged for at the rate of Six Dollars (\$6.00) per one thousand (1,000) gallons sold, payable in advance of delivery, for sales occurring between October 1, 1995, and April 1, 1996; and for sales occurring after April 1, 1996, such shall be charged for at the rate of Six Dollars Fifty Cents (\$6.50) per one thousand (1,000) gallons sold, payable in advance of delivery.

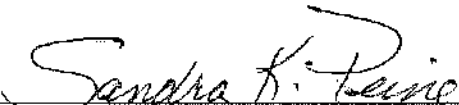
SECTION 3: Wholesale Rate: All water sold by the City of Garnett, Kansas from its water utility to wholesale users shall be charged for at the rate of Two Hundred Thirty Dollars (\$230.00) for up to sixty thousand (60,000) gallons of water during one (1) monthly billing period and for monthly consumptions over sixty thousand (60,00) gallons, at the rate of Three Dollars Fifty-five Cents (\$3.55) per one thousand (1,000) additional gallons for bills rendered after October 1, 1995, and before April 1, 1996; and for bills rendered after April 1, 1996, at the rate of Two Hundred Fifty Dollars (\$250.00) for the first sixty thousand (60,000) gallons and for consumptions in excess of sixty thousand (60,000) gallons in any one (1) month at the rate of Three Dollars Ninety Cents (\$3.90) for each additional one thousand (1,000) gallons.

SECTION 4: The official codifier of the City of Garnett, Kansas is hereby instructed to assign Section 3 of this Ordinance to Title 4, Chapter 4, Section 5(D) in the Official Municipal Code.

SECTION 5: Title 4, Chapter 4, Section 5(B) and Title 4, Chapter 4, Section 5(C) as the same presently exist are hereby repealed.

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

PASSED this 10TH day of OCTOBER, 1995.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3150

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

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

Section 1. The following-described real estate situate in Anderson County, Kansas, to-wit;

Beginning at a point 557 feet south and 60 feet east of the Northwest corner of the Northeast Quarter (NE/4) of Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence east 163 feet, thence South 100 feet, thence west 163 feet, thence north 100 feet, to place of beginning;

having met one or more of the classifications for annexation described in K.S.A. 12-519, et seq., and specifically that such land is adjacent to an existing boundary of said city and that the owner thereof has petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, it is hereby annexed and made a part of the City of Garnett, Kansas, to be known as the "Bauman-East Addition to the City of Garnett, Kansas".

Section 2. This ordinance shall take effect and be in force from and after its publication in an official city newspaper.

PASSED this 24th day of October, 1995.

Sandra K. Peckel
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

**AN ORDINANCE PROHIBITING CERTAIN ACCUMULATION OF LEAVES, BRUSH,
OR OTHER YARD WASTES IN PUBLIC STREETS**

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

SECTION 1: It shall be unlawful for any person to throw, push, place, or pile, or cause to be thrown, pushed, placed, or piled, any leaves, brush, or other yard wastes from private property, sidewalks, or driveways onto the main or traveled portion of any street, avenue, highway, or alley so as to obstruct gutters or to impede the passage of vehicles upon such street, avenue, highway, or alley, or to create a hazardous condition thereon.

SECTION 2: Upon conviction of a violation of this ordinance the Court shall impose punishment as provided in the general penalty provisions of the Municipal Code, to which this ordinance is made supplementary.

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

PASSED This 24th day of October, 1995.

Sandra K. Peine
Mayor

A T T E S T:

Jay E. Martin
City Clerk

AN ORDINANCE GRANTING UNITED TELEPHONE COMPANY OF KANSAS, INC., ITS SUCCESSORS AND ASSIGNS, A TELEPHONE FRANCHISE; 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: 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 United Telephone Company of Kansas, Inc., its successors and assigns (hereinafter, "Franchisee") the right, privilege, and authority for a period of ten (10) years from the effective date of this ordinance the privilege of continuing to operate its telephone system and all business incidental to or connected with conducting of a telephone business and system within the City, and to that end Franchisee is hereby granted the right, in operating a telephone system, to construct, install, maintain, and repair all the necessary poles, wires, cables, pole and wire fixtures, telephone plant, and telephone apparatus of whatsoever nature for the purpose of conducting such business; to erect, maintain, and repair such telephone poles and string the same with wire and cable 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 as may be required under those streets, avenues, boulevards, alleys, and other public places for the purpose of such business.

SECTION 2: (a) Franchisee shall pay to the City in arrears five percent (5%) of the annual gross receipts from billings for basic local telephone exchange service rendered wholly within the corporate limits of the City. Such payment shall be made on or before the 1st day of March of each year during the year during the term of this franchise.

(b) In addition to the cash sum determined to be due and owing in subparagraph (a) of this ordinance, Franchisee at its own expense shall install and continuously maintain in good working order two (2) public telephones, including the related booths or enclosure facilities; one such telephone shall be located at the as yet unnamed downtown park location at Fourth & Oak Streets within the City; and the second such telephone at or in the immediate vicinity of the old A.T. & S. F. depot presently being refurbished by the City of Garnett as an adjunct facility to the Prairie Spirit Rail Trail Park being developed and to be administered by the Kansas Department of Parks and Wildlife. The exact location of the said two public telephone stations shall be determined by the City and communicated to the Franchisee. The Franchisee is hereby designated as an agent of the City to specify from time to time the long distance carrier for both such public telephones. The City reserves the right to have one such telephone redesignated as semi-public and after having done so may then specify yet an additional location within the corporate limits of the City for the second public telephone required by this ordinance; provided,

however, Franchisee may not be required to locate such additional public telephone if the location as specified by the City is an unreasonable distance from an available cable pair; provided, further, that reasonableness of a determination of the availability of such a cable pair shall be based upon the conditions existing at the time of City's making such designation and with the understanding that a distance of 300 feet or less to an available cable pair shall be conclusively presumed to be a reasonable distance to an available cable pair.

(c) The City agrees to accept the franchise fee due under the terms of sub-paragraph (a) and (b) of this ordinance in lieu of any other license fee or occupation tax which might otherwise be imposed on the Franchisee by the City during the term of this franchise; provided, however, nothing in this section or elsewhere in this ordinance shall be construed:

i. To abrogate any term, provision, or covenant of that certain General Agreement for Joint Use of Wood Poles between the City and the Franchisee dated the 13th day of September, 1972, which said agreement shall continue in full force and effect; all fees due under the terms of such agreement shall be considered separate and apart from any fees imposed or due under the terms of this ordinance; or

ii. To 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.

SECTION 3: Franchisee shall conduct its telephone business in such a manner as shall be to the benefit of the City and its inhabitants, rendering good telephone 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 telephone public utilities.

SECTION 4: All poles, overhead wires, cables (aerial or buried) erected in 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 telephone fixtures 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 telephone plant 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 wires and cables. 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 successive terms of like duration unless written notice is given by either the City or the Franchisee to the other at least 120 days prior to the expiration of the initial term or any successive term of its intention to terminate the same at the expiration of the then current term.

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.

Read December 12⁶, 1995; December 28⁶, 1995; and
January 9⁶, 1995; PASSED January 9⁶, 1995.



Sandra K. Peine, Mayor

ATTEST:



Joyce E. Martin, City Clerk

ORDINANCE NO. 3155

AN ORDINANCE AMENDING TITLE 5, CHAPTER 9, SECTION 13 OF THE MUNICIPAL CODE, REGULATING LICENSING AND SALE OF CEREAL MALT BEVERAGES, PROVIDING THAT THE GENERAL PENALTY PROVISIONS OF THE MUNICIPAL CODE SHALL APPLY TO VIOLATIONS OF SAID TITLE AND CHAPTER AND PROVIDING THAT SUCH PENALTIES ARE NOT EXCLUSIVE; REPEALING EXISTING TITLE, CHAPTER, AND SECTION

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

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

5-9-13: PENALTY: Any person violating the provisions of this Section shall, upon conviction, be found guilty of a misdemeanor and shall be punished as provided in the general penalty sections of this Code, which penalty shall be in addition to any other penalty, civil or otherwise, which may be imposed as a result of such conviction. Any sentence, fine, or both imposed under this Chapter and Section shall in no way act as a bar to, or limitation upon, such other penalties or forfeitures as may by law be provided.

SECTION 2: Title 5, Chapter 9, Section 13 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 28th day of November, 1995.

Sandra K. Peine
Mayor

A T T E S T:

Jay E. Martin
City Clerk

ORDINANCE NO. 3156

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 30 OF THE MUNICIPAL CODE, DECLARING IT UNLAWFUL FOR CERTAIN PERSONS TO POSSESS ALCOHOLIC BEVERAGE AS DEFINED THEREIN; DECLARING SUCH VIOLATION TO BE A MISDEMEANOR; AND REPEALING TITLE 6, CHAPTER 1, SECTION 30 OF THE MUNICIPAL CODE AS THE SAME PRESENTLY EXISTS

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

SECTION 1: Title 6, Chapter 1, Section 30 of the Municipal Code is hereby amended to read as follows:

6-1-30: POSSESSION OF ALCOHOLIC BEVERAGE BY CERTAIN PERSONS:

- (A) It shall be unlawful for any person under the age of twenty-one (21) years to have in his or her possession or to exercise any control over any alcoholic beverage.
- (B) The term "alcoholic beverage", as used in this Section, shall mean any alcoholic liquor as defined by K.S.A. 41-102 and amendments thereto or any cereal malt beverage as defined by K.S.A. 41-2701 and amendments thereto.
- (C) Violation of this Section is hereby specifically declared to be a misdemeanor for purposes of prosecuting any violations of the section under the Kansas Juvenile Code. A person violating this Section and liable to prosecution therefor in the Municipal Court of the City of Garnett, Kansas, shall, upon conviction, be punished as provided in the general penalty provisions of this Code.

SECTION 2: Title 6, Chapter 1, Section 30 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 28th day of November, 1995.

Sandra K. Pease
Mayor

A T T E S T:

James E. Martin
City Clerk

ORDINANCE NO. 3157

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 28 OF THE MUNICIPAL CODE, DECLARING IT UNLAWFUL TO POSSESS ALCOHOLIC BEVERAGES AS DEFINED THEREIN IN CERTAIN PLACES, EXCEPT IN THE ORIGINAL AND UNOPENED CONTAINER; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER

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

SECTION 1: Title 6, Chapter 1, Section 28 of the Municipal Code is hereby amended to read as follows:

6-1-28: POSSESSION OF ALCOHOLIC BEVERAGE:

- (A) It shall be unlawful for any person to have any alcoholic beverage in his or her possession, or to consume the same within the City, except in the original and unopened container:
1. Upon any public street, road, alley, or other right of way, or upon the public square;
 2. While operating any vehicle upon any public street, road, or alley;
 3. In any motor vehicle parking lot whether publicly or privately owned which is accessible to the public, irrespective of whether or not any fee is charged to gain entry or access thereto; or,
 4. In, upon, or within one hundred feet (100') of any public baseball or softball playing field, the Municipal swimming pool or the Municipal stadium.
- (B) As used in this Section, the term "alcoholic beverage" shall mean any alcoholic liquor as defined by K.S.A. 41-102 and amendments thereto or any cereal malt beverage as defined by K.S.A. 41-2701 and amendments thereto.

SECTION 2: Title 6, Chapter 1, Section 28 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.

Ordinance
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PASSED This 28th day of November, 1995.

Sandra K. Paine
Mayor

A T T E S T:

Jose E. Martin
City Clerk

ORDINANCE NO. 3158

AN ORDINANCE AMENDING TITLE 8, CHAPTER 5, SECTION 10 OF THE MUNICIPAL CODE TO PROVIDE THAT THE GENERAL PENALTY PROVISIONS OF THE MUNICIPAL CODE SHALL APPLY TO VIOLATIONS OF SAID TITLE AND CHAPTER; REPEALING EXISTING TITLE, CHAPTER, AND SECTION

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

SECTION 1: Title 8, Chapter 5, Section 10 of the Municipal Code is hereby amended to read as follows:

8-5-10: PENALTY: It shall be unlawful for any person, corporation, association, partnership, or individual to use or occupy any such structure which has been found to be injurious to the public health, safety, morals, or welfare as set forth in this Chapter. Any person convicted of a violation of this Chapter shall, upon conviction, be punished as provided in the general penalty provisions of this Code.

SECTION 2: Title 8, Chapter 5, Section 10 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 28th day of November, 1995.

Sandra K. Perie
Mayor

A T T E S T:

Joan E. Martin
City Clerk

AN ORDINANCE AMENDING TITLE 6, CHAPTER 2, SECTION 22 OF THE MUNICIPAL CODE FIXING PENALTIES UPON CONVICTION OF VIOLATION OF SAID CHAPTER REGULATING THE OWNING AND KEEPING OF DOGS; ALSO REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER

BE IT ORDAINED BY THE GOVERNING BODY OF 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 within any licensing period shall be fined in the sum of not less than Twenty-five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00); upon a second conviction thereof within any such licensing period shall be fined in a sum of not less than Fifty Dollars (\$50.00), nor more than Two Hundred Fifty Dollars (\$250.00); and upon the third or subsequent conviction thereof within any licensing period, shall be fined as upon a second conviction and in addition thereto the offending dog may be ordered destroyed by the Court.

(B) In all cases charging a violation of Sections 8 through 13, inclusive of this chapter, the Court may impose a fine twice that set out in Subsection A hereof, 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 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 28th day of November, 1995.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3160

AN ORDINANCE AMENDING TITLE 6, CHAPTER 11, SECTION 17 OF THE MUNICIPAL CODE FIXING PENALTIES UPON CONVICTION OF VIOLATION OF SAID CHAPTER REGULATING THE OWNING AND KEEPING OF CATS; ALSO REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER

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

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

6-11-17: 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 within any licensing period shall be fined in the sum of not less than Twenty-five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00); upon a second conviction thereof within any such licensing period shall be fined in a sum of not less than Fifty Dollars (\$50.00), nor more than Two Hundred Fifty Dollars (\$250.00); and upon the third or subsequent conviction thereof within any licensing period, shall be fined as upon a second conviction and in addition thereto the offending cat may be ordered destroyed by the Court.

(b) In all cases charging a violation of Section 8 or Section 9 of this chapter, the Court may impose a fine twice that set out in Subsection A hereof, 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 of the Municipal Code, as the same presently exists, is hereby repealed.

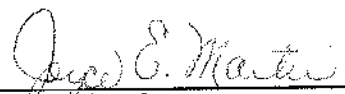
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED This 28th dy of November, 1995.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3161

AN ORDINANCE REPEALING TITLE 8, CHAPTER 3, SECTION 7 OF THE MUNICIPAL CODE, PROVIDING SPECIAL PENALTIES FOR VIOLATING PROVISIONS OF SAID CHAPTER

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

SECTION 1: Title 8, Chapter 3, Section 7 of the Municipal Code is hereby repealed.

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

PASSED this 28th day of November, 1995.

Sandra K. Peine
Mayor

A T T E S T:

James E. Martin
City Clerk

ORDINANCE NO. 3163

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 13(A) OF THE MUNICIPAL CODE REGULATING FISHING AND REQUIRING A CITY FISHING LICENSE ON ALL CITY WATERS; 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 13(A) 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 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 of Garnett | \$ 5.00 |
| (b) All other persons | 7.50 |
| (c) Five (5) consecutive day permit | 3.00 |

Such permit, except the five (5) day permit, 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 (5) day permit shall expire at fifty-nine minutes after eleven o'clock (11:59) P.M. on the fifth day of the five (5) day period for which it shall be issued. Such a five (5) day permit shall be issued only for consecutive days. All such permits shall entitle the holder to fish in any City lake, for all species of fish, except trout.

2. All persons desiring to fish for trout in any City lake where authorized shall be required first to apply for a special City trout permit to the City Clerk and the permit shall be issued upon payment of the following fees, which shall be in addition to any other permit fee which may be applicable:

- | | |
|-----------------------------------------------------|---------|
| (a) Garnett residents over twelve (12) years of age | \$ 5.00 |
| (b) All other persons over twelve (12) years of age | 7.50 |

- (c) All persons twelve (12) years of age and under \$ 2.50
- (d) Daily permit 3.00

Such permit, except the daily permit, shall be valid for the year in which issued. Such permit shall authorize the holder to participate in the City trout program for that calendar year in which issued. The daily permit shall expire at fifty-nine minutes after eleven o'clock (11:59) P.M. on the day for which it is issued.

3. A duplicate City fishing permit or trout permit may be issued to the original holder or permittee upon furnishing evidence that the same has been lost or destroyed and upon payment of a one dollar (\$1.00) replacement fee to the City Clerk.

SECTION 2: Title 9, Chapter 5, Section 13(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 12th day of December, 1995.

Sandra K. Parris
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 3164

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 14(B)1 FIXING PERMIT FEES FOR BOATS, CANOES, AND OTHER VESSELS UPON LAKES WITHIN THE CITY; 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 14(B)1 is hereby amended to read as follows:

9-5-14: BOATING REGULATIONS:

(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 where 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	\$15.00
Boats with motors with 40 HP or less	5.00
Nonmotorized craft, i.e. sailboats, canoes, etc.	5.00

General (Nonresident of Garnett):

Boats with motors in excess of 40 HP	\$35.00
Boats with motors with 40 HP or less	10.00
Nonmotorized craft, i.e. sailboats, canoes, etc.	

Five (5) Consecutive Day Permit

Boats with motors in excess of 40 HP	\$15.00
Boats with motors 40 HP or less and all nonmotorized craft, i.e. sailboats, canoes, etc.	5.00

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.

Ordinance No. 3164
Page 2

PASSED This 12th day of December, 1995.

Sandra K. Pease
Mayor

A T T E S T:

J. E. Martin
City Clerk

ORDINANCE NO. 3166

**AN ORDINANCE APPROVING AND AUTHORIZING THE
EXECUTION OF AN AMENDMENT TO AN AGREEMENT
AUTHORIZING THE KANSAS MUNICIPAL GAS AGENCY TO
ASSIST AND REPRESENT THE CITY IN NEGOTIATIONS
FOR DRUG TESTING SERVICES**

WHEREAS, the City of Garnett, Kansas (the "City") has heretofore adopted Ordinance No. 2944, and such Ordinance approved and authorized the execution of an agreement authorizing the Kansas Municipal Gas Agency (the "Agency") to assist and represent the City in negotiations for drug-testing services (the "Participation Agreement"), authorized the City to enter into a drug-abuse testing agreement with a certain contractor (the "Testing Agreement") and approved and authorized the form and adoption of a substance-abuse policy for the City; and

WHEREAS, the drug testing and substance abuse policy for the City authorized and set forth in said Ordinance No. 3166 were implemented in furtherance of 49 C.F.R. parts 192, 193 or 195 of the Pipeline Safety Regulations of the Department of Transportation, and 49 C.F.R. parts 199 and 40 (the "Regulations"); and

WHEREAS, as of January 1, 1996, the Regulations may require the City to administer alcohol-abuse testing and anti-alcohol programs, in addition to the City's existing drug-abuse testing and anti-drug programs, for some of its employees; and

WHEREAS, as of January 1, 1996, 49 C.F.R. 382 of the Federal Highway Agency Regulations may require the City to administer drug and alcohol-testing and anti-drug and alcohol programs for some of its employees; and

WHEREAS, in order to comply with the additional anti-drug and anti-alcohol program requirements that may apply to the City as of January 1, 1996, it is necessary and advisable to approve and authorize the execution of an amendment to the Participation Agreement.

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

SECTION 1: It is hereby deemed advisable that the City enter into an amendment to the Participation Agreement with the Agency, in the form presented to the governing body this date and is attached hereto as *Exhibit A*, authorizing the Agency to assist and represent the City in negotiations for drug and alcohol testing services for the purposes of complying with the Regulations and 49 C.F.R. 382.

SECTION 2: This Ordinance shall be in force and take effect after its adoption and publication once in an official newspaper of the City.

ADOPTED by the governing body of the City of Garnett, Kansas, on December 28, 1995.

Sandra K. Peine
Sandra K. Peine, Mayor

ATTEST:

James E. Martin
City Clerk

AMENDMENT TO AGREEMENT WITH THE KANSAS
MUNICIPAL GAS AGENCY WHEREBY THE AGENCY
AGREES TO ASSIST AND REPRESENT THE CITY
IN NEGOTIATIONS FOR DRUG-TESTING SERVICES
FOR THE PURPOSE OF COMPLYING WITH THE
FEDERAL PIPELINE SAFETY REGULATIONS OF
THE DEPARTMENT OF TRANSPORTATION.

This amendment to agreement entered into this 28th day of December, 1995, between the City of Garnett (the "City") and the Kansas Municipal Gas Agency (the "Agency").

WHEREAS, the City and Agency have heretofore entered into a certain agreement dated August 14, 1990, whereby the Agency agreed to assist and represent the City in negotiations for drug-testing services for the purpose of complying with the Federal Pipeline Regulations of the Department of Transportation (the "Agreement"); and

WHEREAS, the Agreement was entered into in furtherance of the drug-abuse testing and anti-drug program requirements imposed upon the City by 49 CFR Parts 192, 193, or 195, and 199 and 40 (the "Regulations"); and

WHEREAS, in order to comply with the Regulations as of January 1, 1996, the City may be required to administer alcohol-abuse testing and anti-alcohol programs for some of its employees; and

WHEREAS, some of the City employees may be subject to 49 CFR 382 of the Federal Highway Agency Regulations and, in order to comply with 49 CFR 382 as of January 1, 1996, the City must administer drug- and alcohol-abuse testing and anti-drug and -alcohol programs for such employees; and

WHEREAS, the Agreement must be amended to address the aforementioned additional drug- and alcohol-abuse testing and anti-drug and -alcohol program requirements applicable to the City as of January 1, 1996.

NOW, THEREFORE, IT IS HEREBY AGREED BY AND AMONG THE PARTIES HERETO AS FOLLOWS:

SECTION 1. SECTION I. of the Agreement is hereby amended to read as follows:

"SECTION I. KMGa hereby agrees to act as agent for the City, as well as all other members of the Consortium, in order for the City to comply with the Regulations and 49 CFR 382 of the Federal Highway Agency Regulations. KMGa's duties shall include, but is not limited to, acting on the behalf of the City in providing any necessary coordination services between the City, members of the

"EXHIBIT A"

Consortium and the Contractor, and representing the City in negotiations with the Contractor to initiate drug- and alcohol-testing services that will enable the City to comply with the Regulations and 49 CFR 382."

SECTION 2. SECTION II. of the Agreement is hereby amended read as follows:

"SECTION II. KMGA shall not act in any manner which would hinder the furtherance of the stated substance abuse policy of the City nor act in any manner which would prevent the City from complying with the necessary Regulations and 49 CFR 382."

SECTION 3. The Agreement, as amended hereby, is, in all respects, ratified and confirmed. The Agreement, and this amendment thereto, shall be read and construed as one instrument.

IN WITNESS WHEREOF, the parties hereto have affixed their hand this 28th day of December, 1995.

KANSAS MUNICIPAL GAS AGENCY
(the "Agency")

THE CITY OF GARNETT, KANSAS
(the "City")

Signature

Sandra K. Peine
Sandra K. Peine

Title:

Title: Mayor

ATTEST:

ATTEST:

Secretary

Joyce E. Martin
Joyce E. Martin, City Clerk

ORDINANCE NO. 3167

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 that the zoning classification of the following described land situate in Anderson County, Kansas, to-wit:

Lots One (1), Two (2), Three (3), and Four (4), Block Sixty-one (61) to the City of Garnett, Kansas;

is hereby changed from R-3 (Flexible Residential Dwelling District) to B-1 (General Business 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, 3 voting Aye; 0 voting Nay; and approved this 28th day of December, 1995.

Sandra K. Peine
Mayor

A T T E S T:

Joseph E. Martin
City Clerk

Ordinance No. 3174

AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, SECTION 1(C), TO EXTEND THE PROHIBITION AGAINST CERTAIN TRUCK PARKING TO A PORTION OF MAIN STREET; 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 1(C) of the Municipal Code is hereby amended to read as follows, to-wit:

10-2-1 NO PARKING:


(C) No person shall stand or park any tractor-trailer, semi-trailer, truck, or combination of such vehicles the truck or tractor of which is over a one ton rating, upon:

1. Cleveland Street between Highway K-31 and Fourth Avenue;
2. Main Street between Fourth Avenue and Fifth Avenue.

Section 2. Title 10, Chapter 2, Section 1(C) 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 March, 1996.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3178

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,

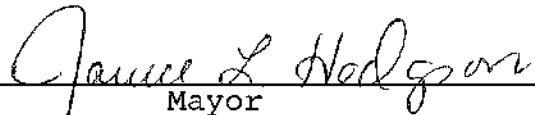
WHEREAS, The continuance of these unpaid bills is an unnecessary accounting procedure and expense to the City.

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 \$5,040.73 incurred through December 30, 1995 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 23rd day of April, 1996.



Mayor

Attest:



City Clerk

<u>Name</u>	<u>\$ Amount</u>
Ernestine Acosta	\$ 173.75
Charles E. Allen	634.11
Randy Burton	90.26
Rancesom H. Cartee, III	100.66
Francell Chambers	334.54
Eva M. Cuppy	47.47
Larry W. Deering/ dba Stroker Enterprises	157.59
Greg Doty/Amanda Locke	36.87
Regina Esquivel	156.08
Shelia D. & Terry Fagg	217.84
Shane Figgans	38.39
Scott & Tammy Fletcher	189.16
Michael S. & Roxanne Foster	172.10
Twila Gardiner	175.67
Mark A. Glover/Owen Hurley	19.50
Michael Goracke	97.91
Tina Guernsey	129.78
Eric Gunnerson	63.10
Brian R. Hall	368.09
Mike R. Hill	44.34
Robert Holmes	75.98
Matthew K. Hunziker	100.98
Mark & Di Magner	60.63
Rene McGowin	492.91
Donna M. Nilges	96.53
Mary Ramsey	141.27
Ronnie B. Sanders	207.17
Rob States	19.58
Jody VanNorman	221.51
Robertta Wheatley	376.96
Total	\$5,040.73

ORDINANCE NO. 3180

AN ORDINANCE ESTABLISHING A SPEED LIMIT OF 20 MILES PER HOUR ON PARK ROAD BETWEEN WALNUT STREET AND PINE STREET; DECLARING THIS ORDINANCE TO BE AN ADDITIONAL SUBPART OF TITLE 10, CHAPTER 4 OF THE MUNICIPAL CODE, AND SUBJECT TO THE PENALTY PROVISIONS OF THAT CHAPTER.

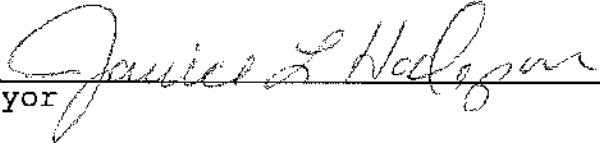
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

SECTION 1: There is hereby established as the maximum lawful speed, and no person shall drive any vehicle in excess of, 20 miles per hour over and upon that portion of Park Road lying between Walnut Street and Pine Street within the City.

SECTION 2: This Ordinance shall be deemed amendatory and shall upon adoption become a part of Title 10, Chapter 4 of the Municipal Code; violations of the provisions hereof shall be subject to the penalty provisions of said title and chapter; and the official City codifier is hereby instructed to insert the provisions of Section 1 and make the same Title 10, Chapter 4, Section 2(G).

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 May, 1996.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3183

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 that the zoning classification of the following described land situate in Anderson County, Kansas, to-wit:

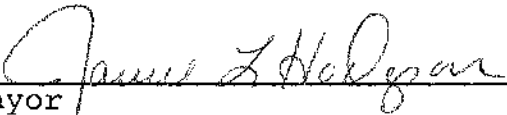
Lots 4, 5 and 6 in Block 59, City of Garnett

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

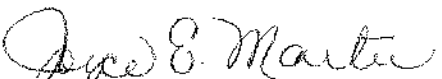
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

PASSED By the Commission, 3 voting Aye; -0- voting Nay; and approved this 11th day of June, 1996.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3185

**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;

WHEREAS, the following described land meets one or more of the conditions prescribed by K.S.A. 12-520(a)(1-6); and

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

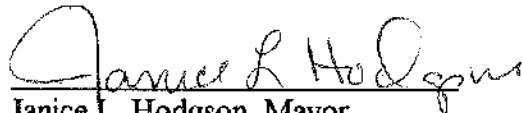
**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF GARNETT, KANSAS:**

Section 1. The following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed to and made a part of the City of Garnett, Kansas:

Commencing at a point 17 chains East of the Quarter corner between Sections Nineteen (19) and Thirty (30), thence North 188 feet, thence West 2 chains, thence South 188 Feet, thence East 2 chains to the place of beginning in Section Nineteen (19), Township Twenty (20), Range Twenty (20).

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

PASSED by the Governing Body of the City of Garnett, Kansas this 25th day of June, 1996.


Janice L. Hodgson, Mayor

ATTEST:


Joyce E. Martin, City Clerk

ORDINANCE NO. 3187

**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;

WHEREAS, the following described land meets one or more of the conditions prescribed by K.S.A. 12-520(a)(1-6); and

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

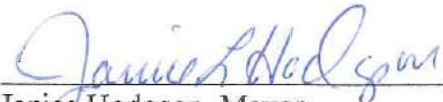
**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT,
KANSAS:**

Section 1. That the following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed and made a part of the City of Garnett, Kansas:

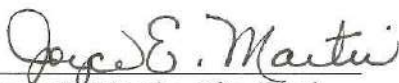
Beginning at a point 60 feet west and 310 feet north of the southeast corner of Section Twenty-four (24), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian, thence west 458 feet, thence north 180 feet, thence east 11 feet, thence north 154 feet, thence east 450 feet, thence south 335 feet to the place of beginning.

Section 2. That this ordinance shall be effective from and after its passage, approval and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Garnett, Kansas this 9th day of July, 1996.


Janice Hodgson, Mayor

ATTEST:


Joyce E. Martin, City Clerk

ORDINANCE NO. 3189

AN ORDINANCE AMENDING TITLE 2, CHAPTER 5, SECTION 1 REGARDING THE APPOINTMENT OF A BOARD OF ZONING APPEALS; AMENDING TITLE 2, CHAPTER 5, SECTION 3 DEFINING THE POWERS AND AUTHORITY OF SUCH BOARD OF ZONING APPEALS; AND REPEALING EXISTING SECTIONS OF SAID CHAPTER AND TITLE; AMENDING TITLE 2, CHAPTERS 2 AND 5 TO DECLARE A LEGISLATIVE POLICY WITH REGARD TO OVERLAPPING OR INTERLOCKING PERSONNEL OF THE BOARD OF ZONING APPEALS AND THE PLANNING COMMISSION

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

SECTION 1: Title 2, Chapter 5, Section 1 of the Municipal Code is hereby amended to read as follows:

2-5-1: APPOINTMENT; TERMS: There is hereby created a Board of Zoning Appeals which shall consist of not fewer than three (3), nor more than seven (7) members, to be appointed by the governing body. All members shall be bona fide residents of the City of Garnett, except two (2) members thereof shall reside outside the City of Garnett, but within three (3) miles of the corporate limits of the City of Garnett. Nothing herein shall prevent any member from serving simultaneously as a member of the Planning Commission of the City of Garnett, Kansas.

SECTION 2: Title 2, Chapter 5, Section 3 of the Municipal Code is hereby amended to read as follows:

2-5-3: POWERS: The Board of Zoning Appeals shall administer the details of the application of the Zoning Regulations of the City of Garnett, Kansas in accordance with such regulations and the official Zoning Procedures Manual and shall have such specific powers as are enumerated in Article 12 of the Garnett Zoning Regulations as from time to time may be amended; or such additional and other authority as may be conferred by statute on a municipal board of zoning appeals.

SECTION 3: Title 2, Chapter 5, Section 1 and Title 2, Chapter 5, Section 3 of the Municipal Code as the same presently exist are hereby repealed.

SECTION 4: No language contained in Title 2, Chapter 2 of the Municipal Code, establishing and governing the operation of the Garnett City Planning Commission, shall be interpreted or construed in such a way as to prevent members of the said Planning Commission from serving simultaneously as members of the Board of Zoning Appeals. This section of this Ordinance shall be codified by the City's official codifier as Title 2, Chapter 2, Section 6.

Ordinance
Page 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 23rd day of July, 1996.

Janice L. Hodgson
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 3191

AN ORDINANCE ABOLISHING THE UTILITIES ADVISORY COMMITTEE ESTABLISHED IN TITLE 2, CHAPTER 6 OF THE MUNICIPAL CODE

WHEREAS, The City of Garnett, Kansas has in the past provided for the establishment of a Utilities Advisory Committee; and

WHEREAS, Such Committee has for many years not functioned and there appears no longer to be any need to maintain such a committee.

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

SECTION 1: Title 2, Chapter 6 of the Municipal Code, establishing a Utilities Advisory Committee, providing for appointment of committee members, fixing duties of the committee, etc., 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 13th day of August, 1996.

James L. Hodgson
Mayor

A T T E S T:

Jay E. Martin
City Clerk

ORDINANCE NO. 3192

AN ORDINANCE ABOLISHING THE CITY BOARD OF HEALTH ESTABLISHED
IN TITLE 2, CHAPTER 3 OF THE MUNICIPAL CODE

WHEREAS, The City of Garnett, Kansas has in the past provided for the establishment of a municipal Board of Health; and

WHEREAS, Such Board has for many years not functioned and there appears no longer to be any need to maintain such a Board.

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

SECTION 1: Title 2, Chapter 3 of the Municipal Code, establishing a Board of Health, providing for appointment of Board members, powers of the Board, etc., 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 13th day of August, 1996.

Janice L. Hodgson
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 3193

AN ORDINANCE AMENDING ORDINANCE 3059 OF THE CITY OF GARNETT, KANSAS TO PROVIDE FOR AND ALLOW HOTELS AND MOTELS (GRP 70/SIC No. 701) AS A PERMITTED USE IN ZONE B-1 AND ZONE B-2; AND AS A SPECIAL-PERMITTED USE IN ZONE A-1 AND ZONE O-I

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 hotels and motels (GRP 70/SIC No. 701) as a permitted use in Zone B-1 and Zone B-2 and as a special-permitted use in Zone A-1 and Zone O-I; and

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

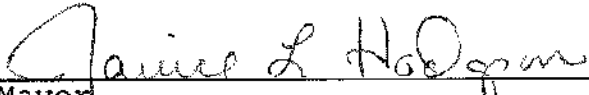
NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

SECTION 1: Hotels and motels (GRP 70/SIC No. 701) shall be allowed as permitted uses in Zone B-1 (Business District General) and Zone B-2 (Business Central District); and allowed in Zone A-1 (Agricultural District) and Zone O-I (Office and Institutional District) upon a special use permit; and Ordinance 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 publication in an official newspaper of the City of Garnett, Kansas.

ADOPTED This 13th day of August, 1996.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO COMMUNICATION SERVICES, INC., TO OPERATE A CABLE TELEVISION SYSTEM IN THE CITY OF GARNETT, KANSAS.

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

SECTION I. GRANT OF FRANCHISE

1.1 The City of Garnett, Kansas, (hereinafter sometimes "City") hereby grants to Communication Services, Inc. (hereinafter sometimes "Grantee") a non-exclusive franchise to construct and operate a cable television system and offer cable television service in, along, among, across, above, over, under, or in any manner connected with the public ways within the service area. Grantee is also authorized to erect, install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, across or along any public way and all extensions thereof and additions thereto, such poles, wires, cables, conductors, and other such equipment and related property as may be necessary or appurtenant to the cable system.

1.2 The franchise granted pursuant to this ordinance shall be for a term of twenty (20) years from the effective date thereof unless otherwise lawfully terminated or modified in accordance with the terms of this franchise.

SECTION II. DEFINITION OF TERMS

2.1 Terms. For the purpose of this ordinance, the following terms, phrases, words, and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number:

- a. "Affiliate" means an entity which owns or controls, is owned or controlled by, or is under common ownership with Grantee.

- b. "Basic Cable" is the tier of service regularly provided to all Subscribers that includes the retransmission of local broadcast television signals.
- c. "Cable Act" means the Cable Communications Policy act of 1984 and the Cable Television Consumer Protection and Competition Act of 1992, as amended.
- d. "Cable Service" means (i) the one-way transmission to subscribers of video programming or other programming service, and (ii) subscriber interaction, if any, which is required for the selection of such Video Programming or any other lawful communication service.
- e. "Cable System" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment or other communications equipment that is designed to provide Cable Service and other service to subscribers.
- f. "FCC" means Federal Communications Commission, or successor governmental entity.
- g. "Franchise" shall mean the initial authorization, or renewal thereof, issued by the Franchising Authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate or otherwise, which authorizes construction and operation of the Cable System for the purpose of offering Cable Service or other service to Subscribers.
- h. "Franchise Authority" means the City of Garnett, Kansas, or the lawful successor, transferee, or assigned thereof.
- i. "Grantee" means Communication Services, Inc., or the lawful successor, transferee, or assignee thereof.
- j. "Gross Revenues" mean the monthly Cable Service revenues received by Grantee from Subscribers of the Cable System in the Service Area; provided, however, that such phrase shall not include (i) revenues received from national advertising

carried on Cable System; (ii) any taxes on Cable Service which are imposed directly or indirectly on any Subscriber thereof by any governmental unit or agency, and which are collected by the Grantee on behalf of such governmental unit or agency.

- k. "Person" means an individual, partnership, association, joint stock company trust corporation, or governmental entity.
- l. "Public Way" shall mean the surface of, and the space above and below, any public street, highway, freeway, bridge, land, path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right of way including but not limited, to public utility easements, dedicated utility strips, or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures for improvements located thereon now or hereafter held by the Franchise Authority in the Service Area which shall entitle the Franchise Authority and the Grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the Cable System. Public Way shall also mean any easement now or hereafter held by the Franchise Authority within the Service Area for the purpose of public travel, or for the utility or public service use dedicated for compatible uses, and shall include other easements of right-of-way as shall within their proper use and meaning entitle the Franchise Authority and the Grantee to the use thereof for the purposes of installing or transmitting Grantee's Cable Service or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, compliances, attachments, and other property as may be ordinarily necessary and pertinent to the Cable System.
- m. "Service Area" means the present municipal boundaries of the Franchise Authority, and shall include any additions thereto by annexation or other legal means.
- n. "Service Tier" means a category of Cable Service or other services, provided by Grantee and for which a separate charge is made by Grantee.

- o. "Subscriber" means a person or user of the Cable System who lawfully received Cable Services or other service therefrom with Grantee's express permission.
- p. "Video Programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

SECTION III. STANDARDS OF SERVICE

3.1 Grantee's service shall equal or exceed FCC customer service standards.

3.2 All transmission and distribution structures, poles, lines and other equipment installed or erected by Grantee shall be located so as to cause a minimum of interference with the proper use of Public Ways and with the rights and reasonable convenience of adjoining property owners.

3.3 If during the course of Grantee's construction, operation or maintenance of the Cable System there occurs a disturbance of any Public Way, Grantee shall at its own expense replace and restore such Public Way to a condition reasonably comparable to the condition of the Public Way prior to the disturbance.

3.4 Upon reasonable notice, Grantee at its own expense shall protect, support, temporarily disconnect or relocate in the Public Way or remove from the Public Way any property of Grantee when required by the City by reason of traffic conditions, public safety, street abandonment, street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other reason deemed appropriate by the City.

3.5 Grantee shall upon request of a person holding a building moving permit temporarily raise or lower its wires and permit the moving of such building, provided Grantee is given reasonable notice to arrange for such temporary changes. The expense of such temporary raising or lowering of wires shall be paid by said person. If required by Grantee, such payment shall be paid in advance.

3.6 Grantee shall have the authority to trim trees and other natural growth overhanging any of its Cable System in the Service Area so as to prevent branches from coming into contact with Grantee's wires, cable or other equipment. Grantee shall reasonably compensate the City or the property owner for any damage caused by such trimming, or replace all trees or shrubs damaged as a result of any construction of

the system undertaken by Grantee.

3.7 Subject to any applicable state or federal regulations, the City shall have the right to make additional use for any public purpose of any of the poles or conduits controlled or maintained exclusively by or for the Grantee in any Public Way; provided that (a) such use by the City does not interfere with a current or future use by the Grantee; (b) the City holds the Grantee harmless against and from all claims, demands, costs, or liabilities of every kind and nature whatsoever arising out of such use of said poles or conduits, including but not limited to, reasonable attorneys fees and costs; and (c) at Grantee's sole discretion, the City may be required either to pay a reasonable rental fee or otherwise reasonably compensate Grantee for the use of such poles, conduits, or equipment; provided, further, that Grantee agrees that such compensation or charge shall not exceed those paid by it to public utilities pursuant to the applicable pole attachment agreement, or other authorization, relating to the Service Area.

3.8 Grantee hereby warrants that its system is in compliance with applicable FCC and other federal or state regulations. Grantee shall not endanger or interfere with the safety of persons or property in the Service Area.

3.9 In those areas of service where all or portion of the transmission or distribution facilities of the respective public utilities providing the telephone services or electrical services are underground, Grantee shall construct, operate and maintain all of its transmission and distribution facilities underground. Nothing contained in this section shall require Grantee to construct, operate and maintain underground any grounding mounted appurtenances such as Subscriber taps, line extenders, system passive devices, amplifiers, power supplies, pedestals, or other related equipment.

3.10 Grantee is hereby authorized to extend the Cable System as necessary, desirable, or as required pursuant to the terms of this agreement. Whenever Grantee shall receive a request for service from at least 15 subscribers within 1,320 cable-bearing strand feet of its trunk or distribution cable, it shall extend the Cable System to such Subscribers at no cost to said Subscribers for system extension, other than the usual connection fees for all subscribers.

3.11 No Subscriber shall be refused service arbitrarily or without just reason. However, for unusual circumstances, such as Subscriber's request to locate his cable drop underground, if a distance from the distribution cable to point of connection of service to Subscriber is greater than 150 feet, or if there is a density of less than 15 Subscribers per 1,320 cable-bearing strand feet of its trunk or distribution cable, the Cable Service may be made available on the basis of a capital contribution in aid of construction. For the

purpose of determining the amount of capital contribution in aid of construction to be borne by Grantee and Subscribers in the area of service to be expanded, Grantee will contribute an amount equal to the construction and other costs per mile, multiplied by a fraction whose numerator equals the number of potential Subscribers per 1,320 cable-bearing strand feet of its trunk or distribution cable, and whose denominator equals 15 Subscribers. Potential Subscribers will bear the remainder of the construction and other costs on a pro rata basis. Grantee may require the payment of capital contribution in aid of construction to be borne by such potential Subscribers to be paid one-half of total cost in advance.

3.12 Grantee shall provide without charge one (1) outlet for Basic Service to the City's office buildings, fire stations and police stations passed by its system. Grantee shall also provide one (1) outlet for Basic Service to all public and private primary and secondary school buildings in the City of Garnett, Kansas, passed by its system. The outlets of such service shall not be used to distribute or sell Cable Services in or throughout such buildings, nor shall such outlet be located in a common or public area. Users of such outlets shall take reasonable precautions to prevent any use of the Grantee's system and such outlets in any manner that results in inappropriate use of the system or outlets or loss or damage to the system or that results in violation of applicable laws and regulations governing such use, including but not limited to, copyright laws. In the event that the additional outlets for Basic Service or other services are requested, the City or the public school shall pay the usual installation fees associated therewith.

3.13 In the case of any emergency or disaster, Grantee shall, upon request of the City, make available its facilities for the City to provide emergency information and instructions during the emergency or disaster period. The City will hold Grantee, its agents, employees, officers and assigns harmless from any claims arising out of the emergency use of its facilities by the City. The City shall only permit designated persons to operate the emergency override system, and shall take reasonable precautions to prevent any use of the emergency override system in any manner that results in inappropriate use of the override system, or any loss or damage to the Cable System.

SECTION IV. REGULATION BY FRANCHISE AUTHORITY

4.1 Grantee shall pay to the City a franchise fee equal to five percent (5%) of Gross Revenues. Franchise fees shall be paid on a quarterly basis, beginning on the 31st day of December, 1996. Payments will be due sixty (60) days after the end of each quarter. Each payment received shall be accompanied by a summary sheet showing the basis for computation.

4.2 The City may regulate the rates for the provision of Basic Cable and equipment as expressly allowed by state and federal law and all pertinent regulations thereto. At least thirty (30) days prior to implementing any changes in rate levels, services or service terms, Grantee shall provide the City written notice describing such changes it plans to make.

4.3 The City and Grantee agree that any proceedings undertaken by Grantee and the City relating to the renewal, termination, or modification of this franchise will be governed by applicable local, state and federal law in effect at the time of such renewal, termination or modification. This franchise shall be construed and interpreted according to the laws of the State of Kansas.

4.4 Any sale or transfer of the Cable System authorized hereunder shall be governed by local, state and federal law in existence at the time of such sale.

4.5 Grantee's right, title or interest in the cable system in Garnett, Kansas, shall not be sold, transferred, assigned, or otherwise encumbered except to a company controlling, controlled by, or under common control of Grantee, without the prior consent of the City, such consent not to be unreasonably withheld. The City shall have the right of first refusal for the purchase of the cable system if the system is sold or transferred to an entity other than to an affiliate of the Grantee. The City shall have forty-five (45) days from written notice of such sale or transfer of the system to exercise its right of first refusal. First refusal is to be based upon the City's meeting same terms and conditions of the bona fide offer, or fair market value, paid at closing in readily available funds. No such consent shall be required, however, for a transfer by mortgage or other hypothecation or by assignment of any rights, title or interest of Grantee in the Cable System in order to secure indebtedness.

SECTION V. COMPLIANCE AND MONITORING

5.1 The City may perform technical tests of the Cable System during reasonable times and in a manner which does not unreasonably interfere with the normal business operations of Grantee or the Cable System in order to determine whether Grantee is in compliance with the terms of this agreement and applicable state and federal laws. The City will provide Grantee reasonable notice of such testing, the dates thereof, and the testing procedures to be utilized and permit a representative of Grantee an opportunity to be present during such tests. In the event such testing demonstrates that the Grantee has substantially complied with such material provisions hereof, the cost of such testing shall be borne by the City.

5.2 Grantee agrees that the City may review its books and records necessary to the enforcement of the franchise during normal business hours and on a non-disruptive basis. Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature. The City will treat any information disclosed Grantee as confidential and only disclose such information to the City's employees, representatives or agents.

SECTION VI. MISCELLANEOUS PROVISIONS

6.1 Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the franchise a comprehensive general liability insurance policy in the amount of \$1,000,000 combined single limit for bodily injury and property damage. Said insurance shall designate the City as an additional insured. Such insurance shall be non-cancelable except upon thirty (30) days prior written notice to the City.

6.2 Grantee agrees to provide bonds and other surety in such amounts and during such times as there is a reasonably demonstrated need therefor. In the event that a surety bond is required in the future, the City agrees to give Grantee sixty (60) days prior written notice thereof stating the reasons for said bond or surety.

6.3 Grantee shall not be held in default or non-compliance with the provisions of this franchise when such non-compliance or alleged defaults are caused by strikes, act of God, or event which is wholly beyond the control of Grantee.

6.4 The City will have in force and effect an ordinance which makes tampering with Grantee's Cable System and theft of Cable Services services a misdemeanor.

6.5 Jurisdiction for any action alleging failure, default, termination, or seeking in any way to construe or interpret this franchise agreement shall be in the District Court of Anderson County, Kansas, or any federal court in Kansas.

6.6 Unless expressly otherwise agreed between the parties, every notice or response required by this franchise agreement to be served upon the City or the Grantee shall be in writing, and shall be deemed to have been duly given to the required party five business days after having been posted in a properly sealed and correctly addressed envelope when hand delivered or sent by certified or registered mail, postage prepaid.

City of Garnett, Kansas
Franchise to Communication Services, Inc.
Page 9

The notices or responses to the City shall be addressed or delivered as follows:

City of Garnett
City Hall
131 West Fifth Street, P.O. Box H
Garnett, Kansas 66032

The notices or responses to the Grantee shall be addressed or delivered as follows:

Communication Services, Inc.
931 S.W. Henderson Road
Topeka, KS 66615-3841

with a copy to:

Communication Services, Inc.
Attention: Division Counsel
4700 South Syracuse Street
Suite 1100
Denver, CO 80237

The City and the Grantee may designate such other address or addresses from time to time by giving notice to the other.

6.7 The provisions of this contract are deemed severable. If any provision or clause of this franchise is deemed unlawful it shall be severed from this franchise, and the remaining franchise shall remain in full force and effect.

6.8 If Grantee fails to provide Cable Service over a substantial or material portion of its System in the city of Garnett for an extended period of time, at least three (3) consecutive days, while having the ability to provide such Service, the City shall notify the Grantee of its intent to deem the Grantee's Cable System abandoned. Grantee shall have 30 days from such notice to cure the abandonment or it will have been deemed to have abandoned its cable operations.

6.9 Grantee shall provide parental lock-out devices to Subscribers at a reasonable cost.

6.10 Cable Service which is obscene or otherwise unprotected by the constitution of the United States shall not be shown within the Franchise Service Area on the Grantee's Cable System.

6.11 Upon completion of the upgrade of the cable plant, Grantee shall provide a level of basic service which as a minimum include all local broadcast television signals which Grantee is required or may be permitted to carry in accordance with Section 614 of the Cable Act (47 U.S.C. 534), and in addition, a separate tier or tiers of service which shall include, at a minimum, the services which, AS OF THE DATE OF THIS AGREEMENT, exist as one level of basic service, and which prospectively will not be included IN basic service. THE GRANTEE MAY, IN ITS SOLE DISCRETION, AND FROM TIME TO TIME, MODIFY OR CHANGE THE SERVICES IT OFFERS WITHIN THE BASIC LEVEL OF SERVICE OR THE SEPARATE TIER OR TIERS OF SERVICE.

SECTION VII. SYSTEM UPGRADE

7-1 The Grantee agrees to upgrade its Cable System within a twenty-four (24) month period from the effective date of this ordinance.

7-2 Within such twenty-four (24) month period the Cable System within the City shall be installed, and thereafter during the remaining term of the franchise maintained, in accordance with the highest and best accepted standards of the industry to the end that subscribers shall receive the best possible service. Determination of satisfactory service shall take into consideration but shall not be limited to the following standards:

A. Grantee shall upgrade its system so that the system in its entirety uses at least 450 MHZ equipment of high quality and reliability. Grantee shall integrate a fiber optic backbone design, and in a manner which will reduce the number of trunk amplifiers in a cascade out of the head-end. The fiber optic technology will integrate into the system in a manner which permit the Grantee to take full advantage of the benefits of that technology, including increased reliability and improved system performance. The head-end shall be capable of providing at least fifty (50)-plus channels in full configuration and will develop signals of uniformly high quality throughout the service area.

B. The work compelled by sub-paragraph "A" shall be completed in the 24 month period immediately following the effective date of this ordinance. Failure to do so shall be deemed to shorten the term of this franchise to three years.

C. The Cable System shall produce a picture, whether in black and white or color, that is undistorted, free from ghost images and accompanied with proper sound in typical standard production television sets in good repair, and as good as the state of the

art allows. The system shall pass standard color TV signals without the introduction of material degradation on color fidelity and intelligence.

D. The Cable System and all equipment shall be designed and rated for 24-hour per day, continuous operation. The Grantee shall schedule maintenance so that activities likely to result in an interruption of service are performed during periods of minimum Subscriber use. The Grantee shall limit failures to a minimum by locating and correcting malfunctions promptly, but in no event longer than 72 hours after notice, except for failures due to natural disaster, strikes, national emergencies, or tower failures.

E. The Grantee, to the extent practical, shall install equipment and construct its system so that except for premium or pay-per-view services, a Subscriber can use all features such as remote control units for VCR and television set for simultaneous viewing and recording on different channels.

F. The Grantee shall install a back-up power supply at the head-end capable of providing electrical power to the system for two (2) hours in the event of an electrical outage.

SECTION VIII. CUSTOMER SERVICE AND RESPONSIVENESS:

8.1 The Grantee has an obligation to provide high quality service to its Subscribers throughout the franchise term. Grantee's service shall at all times meet or exceed the F.C.C. Customer Service Standards. Should such standards not address any matter or provide a lesser level of service than specified in this section, then the provisions hereof shall be met or exceeded by Grantee.

8.2 Cable System office hours and telephone availability.

A. The Grantee will maintain a local, toll-free or collect call telephone access line which will be available to Subscribers 24 hours a day, seven days a week.

(i) Trained representatives of the Grantee will be available to respond to Subscriber telephone inquiries during Normal Business Hours, as defined herein.

(ii) After Normal Business Hours, an access line will be available to be answered by a service or an automated response system, including a phone answering system. Inquiries received after Normal Business Hours must be

responded to by a trained representative of the Grantee on the next business day.

B. Under Normal Operating Conditions, as defined herein, telephone answer time by a customer representative, including wait time, will not exceed 30 seconds. These standards will be met no less than 90 percent of the time under Normal Operating conditions, as measured by the Grantee on a quarterly basis.

C. Under Normal Operating Conditions, the Subscriber will receive a busy signal less than 3 percent of the time.

D. The Grantee shall not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards set forth above unless an historical record of complaints indicates a clear failure to comply with such standards.

E. Customer service center and bill payment locations will be open at least during Normal Business Hours and will be conveniently located.

8.3 Installations, outages and service calls. Under Normal Operating Conditions, each of the following four standards will be met no less than 95 percent of the time, as measured by the Grantee on a quarterly basis:

A. Standard installations will be performed within seven business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system.

B. Excluding conditions beyond its control, the Grantee will begin working on Service Interruptions, as defined herein, promptly and in no event later than 24 hours after the interruption becomes known. The Grantee will begin actions to correct other service problems the next business day after notification of the service problem. The Grantee shall respond to events which may endanger health, safety or property of persons immediately, to the extent such conditions permit.

C. The Grantee will provide "appointment window" alternatives for installations, service calls, and other installation activities, which will be either a specific time or, at maximum, a four-hour time block during Normal Business Hours.

D. If a representative of the Grantee is running late for an appointment with a Subscriber and will not be able to keep the appointment as scheduled, the Subscriber will

be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the Subscriber.

E. The Grantee may not levy a charge for repair or maintenance, or for investigation or response to any complaint or inquiry, except in documentable cases of Subscriber negligence or abuse of Grantee's equipment. The Grantee may use service orders as documentation so long as they are recorded and maintained in a reliable manner.

8.4 Communications between Grantee and Subscribers.

A. The Grantee shall provide written information on each of the following areas at the time of installation of service, at least annually to all Subscribers, and at any time upon request:

- (i) products and services offered;
- (ii) prices and options for services and conditions of subscription to programming and other services;
- (iii) installation and service maintenance policies;
- (iv) instructions on how to use the service;
- (v) channel positions of programming carried on the Cable System; and
- (vi) billing and complaint procedures, including the address and telephone number of the local Franchising Authority's cable office.

B. Subscribers will be notified of any changes in rates, programming services or channel positions as soon as possible through announcements on the Cable System and in writing. Notice will be given to Subscribers a minimum of 30 days in advance of such changes if the change is within the control of the Grantee. In addition, the Grantee shall notify Subscribers 30 days in advance of any significant changes in the other information required by the preceding paragraph.

C. Billing:

- (i) Bills will be clear, concise and understandable. Bills will be fully itemized, with itemizations including, but not limited to, basic and premium

service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

(ii) In case of a billing dispute, the Grantee will respond to a written complaint from a Subscriber within 30 days from receipt of the complaint.

D. Refund checks will be issued promptly, but no later than either (i) the Subscriber's next billing cycle following resolution of the request or 30 days, whichever is earlier, or (ii) the return of the equipment supplied by the Grantee if service is terminated.

E. Credits for service will be issued no later than the Subscriber's next billing cycle following the determination that a credit is warranted.

F. The Grantee shall establish clear procedure for resolving complaints, involving at least the following elements:

(i) A simple procedure for making complaints orally or in writing, consistent with these standards, and identification of a person responsible for resolving complaints.

(ii) Notice to subscribers that they may file any complaint with the City if not resolved to the Subscriber's satisfaction after 30 days, and that the City may recommend a resolution.

(iii) Grantee must provide its initial response to a complaint within five days of its receipt and a final written response to any unresolved complaint (other than a complaint about the carriage or the lack of carriage of a particular programming service or about the content of a programming service or about the level of any unregulated rate) within 30 days of the date the complaint is made.

G. The Grantee or any Subscriber may ask the City to interpret any part of the standards set in this section and the interpretation, unless unreasonable, shall bind the Grantee and the Subscriber in the resolution of any complaint.

8.5 Definitions: For purposes of this Section, the following definitions shall apply:

A. Normal Business Hours - The term "Normal Business Hours" means those hours during which most similar businesses in the community are open to serve Subscribers. In all cases, "Normal Business Hours" shall include some evening hours at least one night per week and/or some weekend hours. The Grantee will notify its Subscribers and the Franchising Authority of its Normal Business Hours.

B. Normal Operating conditions - The term "Normal Operating Conditions" means those service conditions which are within the control of the Grantee. Those conditions which are not within the control of the Grantee include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which are ordinarily within the control of the Grantee include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the Cable System.

C. Service Interruption - The term "service interruption" means the loss of picture or sound on one or more channels.

8.6 Common Carrier Limitation - Grantee shall not be required to provide any service if the provision of such service subjects Grantee to regulation by any governmental agency such as a utility or common carrier.

8.7 Agreement Not Limiting Court Enforcement - Nothing in this agreement shall limit the rights of Subscriber to initiate a court action to enforce these standards. Nor shall this paragraph be interpreted to limit the rights of the City to enforce these standards.

SECTION IX. EDUCATIONAL AND GOVERNMENTAL ACCESS CHANNEL

9.1 The Grantee shall provide one specially designed, non-commercial public, educational and governmental access channel within said 50-plus channels, equipped to accept base-band AM modulated video signals and FM modulated audio signals only. For signal origination purposes, the Grantee shall provide capability for two-way signal transmission between its head-end equipment and the Anderson County Jr./Sr. High School, Garnett Elementary Center, Irving Primary Center, Anderson County Courthouse and the Garnett City Hall. Such channel will be made available after completion of system upgrade.

SECTION X. INDEMNIFICATION

10.1 Grantee shall fully indemnify, defend and hold harmless the City, its officers, boards, commissions, elected officials, agents, attorneys, representatives, servants and employees against any and all costs, damages, expenses, claims, suits, actions, liabilities and judgments for damages, including but not limited to, attorney fees and costs, whether suit be brought or not, and disbursements and liabilities incurred or assumed by the City, to the extent that such disbursements and liabilities required by Grantee or its insurance company or attorneys in connection with:

- (i) damages to persons or property, in any way arising out of or through the acts or omissions of Grantee, its respective servants, officials, agents, attorneys, representatives or employees or to which Grantee's negligence or that of their respective servants, agents, officials, attorneys, representatives or employees shall in any contribute;
- (ii) requests for relief arising out of any claim for Grantee's invasion of the right of privacy; for Grantee's defamation of any person, firm or corporation; for Grantee's violation or infringement of any copyright, trademark, trade name, service mark or patent; or
- (iii) Any and all third party claims arising out of Grantee's failure to comply with the provisions of this franchise or any federal, state or local law, ordinance or regulation applicable to Grantee or the Cable System.

10.2 If suit be brought or threatened against City, either independently or jointly with Grantee, or with any other person or municipality, Grantee shall defend City at the cost of Grantee pursuant to Section 10.1. If final judgment of suit is obtained against City, either independently or jointly with Grantee or any other defendants, Grantee shall indemnify City and promptly pay such judgment with all costs and satisfy and discharge the same.

10.3 Nothing in this agreement shall be deemed or construed to constitute a waiver by the City of any right or privilege to immunity that it may enjoy under the Kansas Tort Claims Act or under any other legislation or ruling of any court covering itself, the governing body, and other agents, officials, servants, attorneys, representatives or employees of the City.

10.4 All rights of City pursuant to indemnification, insurance, letter of credit or performance bond(s), as provided by this section, are in addition to all other rights the City may have under this franchise or any other lawful statute, ordinance, rule or regulation.

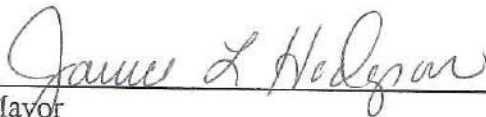
10.5 The City's exercise of or failure to exercise any rights pursuant to any section of this ordinance shall not affect in any way the right of City subsequently to exercise any such rights or any other right under any other ordinance, rule, regulation or law.

SECTION XI. Immediately after final passage, this ordinance shall be published in the official City newspaper once a week for two consecutive weeks. Such ordinance shall take effect and be in force on the 61st day after its final passage.

Read August 13, 1996; August 27, 1996; and

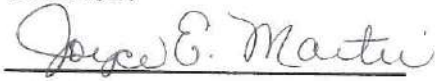
September 10, 1996; PASSED September 10, 1996.

(Effective Date: November 09, 1996)



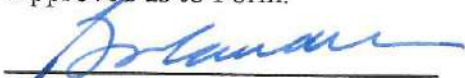
Mayor

ATTEST:



City Clerk

Approved as to Form:



City Attorney

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Accepted this 20 day of November, 1996, subject to applicable federal, state, and local law. It is understood that, notwithstanding Section 1.2 of this Ordinance No. 3194, this franchise agreement is for an initial three-year term, which shall be extended to 20 years if Grantee completes an upgrade of its system, as set forth in Section VII, within 24 months of the effective date of this Ordinance.

Communications Services, Inc.

By: 

Title: Richard E. Franklin
Executive Vice President

Richard E. Franklin
Executive Vice President

ORDINANCE NO. 3195

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;

WHEREAS, the following described land meets one or more of the conditions prescribed by K.S.A. 12-520(a)(1-6); and

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

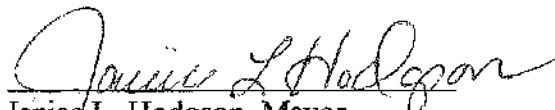
NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

Section 1. The following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed to and made a part of the City of Garnett, Kansas:


The South Half (S/2) of the North Half (N/2) of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20), Range Twenty (20), less one acre in the Northwest Corner, and more particularly described as beginning 30 rods South of the Northwest Corner of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20), Range Twenty (20), thence East 19.63 rods, thence North 10 rods, thence East 60.37 rods, thence South 20 rods, thence West 80 rods, thence North 10 rods to the place of beginning.

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

PASSED by the Governing Body of the City of Garnett, Kansas this 28th day of January, 1997.


Janice L. Hodgson, Mayor

ATTEST:


Joyce E. Martin, City Clerk

ORDINANCE NO. 3196

AN ORDINANCE GRANTING ASTRO CAP WEST, INC. A TAX EXEMPTION PURSUANT TO SECTION 13 OF ARTICLE 11 OF THE KANSAS STATE CONSTITUTION, K.S.A. 79-251 AND RESOLUTION NO. 3/12/96-1.

WHEREAS, the City of Garnett, Kansas is a city of the second class organized under the statutes of the state of Kansas with the authority under Section 13 of Article 11 of the Kansas State Constitution to grant exemptions from ad valorem taxation subject to the requirements of K.S.A. 79-251; and

WHEREAS, the City of Garnett, Kansas has adopted policies and procedures in Resolution No. 3/12/96-1 in conformity with the requirements of K.S.A. 79-251; and

WHEREAS, Astro Cap West, Inc. has filed an application with the City of Garnett, Kansas requesting a tax exemption of ad valorem taxes upon real and tangible personal property for a 10 year period ranging from 100 % in the first year and declining to 10% in the tenth year, and the Garnett City Commission held a public hearing on said request July 23, 1996; and

WHEREAS, the Garnett City Commission has found, and does find:

(1.) That the abatement requested by Astro Cap West, Inc. will facilitate that company's acquisition of legal ownership of the factory site now leased by them, and to acquire for that site new machinery and equipment.

(2.) That even with the requested abatement the economic benefit created will result in a "pay back" of taxes abated as follows, to-wit:

City:	9 years
County:	3 years
School District:	7 years
State of Kansas:	1 year

(3.) That with respect to the abatement requested for tangible personal property the abatement requested is required to retain jobs and also will facilitate expansion of jobs.

(4.) That the economic benefit of granting the requested abatement exceeds the costs of such abatement to all units of government involved.

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

Section 1: Astro Cap West, Inc. shall be granted a tax exemption for the ad valorem taxes levied and assessed against Lot 10, Maggio Addition to the City of Garnett, including the 52,000 square feet and 10,000 square feet buildings thereon, and machinery and equipment and motor vehicles owned and listed for taxation as of January 1, 1996 as follows:

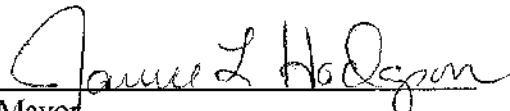
Year 1:	100%
Year 2:	100%
Year 3:	100%
Year 4:	90%
Year 5:	80%
Year 6:	70%
Year 7:	60%
Year 8:	40%
Year 9:	20%
Year 10:	10%

Said exemption shall be effective and said 10 year period shall commence upon approval of the Kansas Board of Tax Appeals

Section 2: The tax exemption granted to Astro Cap West, Inc. shall be subject to annual review by this commission for compliance with its economic development policies and criteria as established in Resolution No. 3/12/96-1.


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

ADOPTED this 13th day of August, 1996.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3199

AN ORDINANCE AMENDING TITLE 9, CHAPTER 7, SECTION 13 OF THE MUNICIPAL CODE REQUIRING A PERMIT BEFORE ANY MONUMENT OR STONE SHALL BE SET OR MOVED; FIXING A FEE FOR SUCH PERMIT; PROVIDING PENALTIES FOR VIOLATION HEREOF; AMENDING EXISTING TITLE, SECTION, AND CHAPTER

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

SECTION 1: Title 9, Chapter 7, Section 13 of the Municipal Code is hereby amended to read as follows:

9-7-13: MONUMENTS; MARKERS:

(a) Monuments and markers may be placed on any lot in the Municipal Cemetery, subject to the permit requirements of Subpart (b) hereof. The design, specifications, and location of monuments and markers shall be subject to approval of the sexton. No marker or monument shall be placed nearer than four inches (4") to a lot line and no more than one (1) individual memorial shall be placed at any one plot. All markers and monuments shall be placed so that the inscription thereon may be read from the nearest path or road. Family monuments shall be placed at the front or west end of the lot and the individual monument or marker shall be placed at the back or east end of the lot. All family monuments and headstones must be placed upon a four inch (4") concrete base and the top of the base shall be level with the ground and shall be at least four inches (4") wider than the stone. Other than family monuments or individual monuments, any marker placed on a lot shall be flush with the ground. Monuments and markers shall not be set by the City but shall be set under the supervision of the sexton and upon issuance of the permit required in Subpart (b) hereof. Monuments and stones with a distance of thirty-six inches (36") or less between them shall be placed on one continuous (solid) footing (base). Temporary grave markers are allowed in the Municipal Cemetery for a period not to exceed six (6) months.

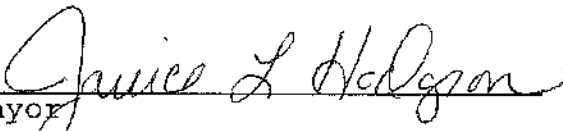
(b) No markers or monuments shall be set until a permit shall be issued by the City. Such permit shall be issued by the City Manager or his delegate, during regular business hours and shall be applied for on a form supplied by the City. The fee for such permit shall be Ten Dollars (\$10.00). It shall be unlawful to set any marker or monument within the Municipal Cemetery until such permit shall have been issued and violations of this Section shall be punishable in the Municipal Court as misdemeanor ordinance violations.

Ordinance No. 3199
Page 2

SECTION 2: Title 9, Chapter 7, Section 13 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 10th day of September, 1996.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2901

AN ORDINANCE REGULATING THE KEEPING OF PIT BULL DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS; DEFINING THE TERM "PIT BULL DOG"; AND PROVIDING FOR CERTAIN EXCEPTIONS FOR DOGS REGISTERED ON THE EFFECTIVE DATE OF THIS ORDINANCE.

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

SECTION 1. It shall be unlawful to keep, harbor, own or in any way to possess within the corporate limits of the City of Garnett, Kansas, any pit bull dogs; provided however, that pit bull dogs registered with the City of Garnett, Kansas, on the effective date of this ordinance may be kept within the said City subject to the standards and requirements set forth in Section 2 of this Ordinance.

SECTION 2. Provisions of Section 1 of this ordinance are not applicable to owners, keepers or harborers of pit bull dogs registered with the City of Garnett, Kansas, on the effective date of this Ordinance. The keeping of such dogs, however, shall be subject to the following standards:

1. No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside of the kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed, tied or otherwise secured to inanimate objects, such as trees, posts or buildings. In addition, all pit bull dogs on a leash outside of the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
2. All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be imbedded in the ground not less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City of Garnett and all such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
3. No pit bull dogs may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing or restraining the dog from leaving the structure.
4. All owners, keepers or harborers of registered pit bull dogs within the City shall, within 10 days of the effective date of this ordinance, display in a prominent place on their premises a legible sign readily capable of being read by the general public, using the words "Beware of Dog".

In addition, a like sign is required to be posted at all times on the kennel or pen of such animal.

5. All owners, keepers, or harborers of registered pit bull dogs must, within 10 days from the effective date of this ordinance, provide proof to the City Clerk of the City of Garnett, Kansas, of public liability insurance then in force and coverages for a single incident of not less than \$50,000 for bodily injury to or death of any person or persons or for the damage of property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless the company shall first have given at least 10 days written notice to the City Clerk of the City of Garnett, Kansas.

6. All owners, keepers or harborers of registered pit bull dogs must, within 10 days of the effective date of this ordinance, provide to the City Clerk two clear, full color photographs not less than 3 1/2 inches by 5 inches in size of the registered animal, clearly showing the color and approximate size of said animal.

7. All owners, keepers or harborers of registered pit bull dogs must, within 10 days of the occurrence of any of the following events, report such event in writing to the City Clerk of the City of Garnett, Kansas:

- a. The removal from the city or death of any registered pit bull dog;
- b. The birth of offspring of a registered pit bull dog;
- c. The new address of a registered pit bull dog's owner should the owner move his residence within the corporate limits of the City.

8. No person shall sell, barter, give or in any other way dispose of a pit bull dog registered within the City to any other person within the city of Garnett unless the recipient or transferee resides permanently in the same household and on the same premises as the registered owner of such dog; provided however, that the owner of a registered pit bull dog may sell or otherwise dispose of a registered dog or the offspring of such dog to a person who does not reside within the City of Garnett, Kansas.

9. All offspring born of pit bull dogs registered within the City of Garnett, Kansas, must be removed from the City within six (6) weeks of the birth of such animal.

10. There shall be and is hereby created an irrebutable presumption that any dog registered with the City of Garnett Kansas, as a pit bull dog or any of those breeds defined in this ordinance as a pit bull dog is in fact a dog subject to the requirements of this ordinance.

11. It shall be unlawful for the owner, keeper or harborer of a pit bull dog registered with the City of Garnett, Kansas, to fail to comply with any of the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of this ordinance shall be liable to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of such animal from the City.

SECTION 3. The term "pit bull dog" is defined to mean:

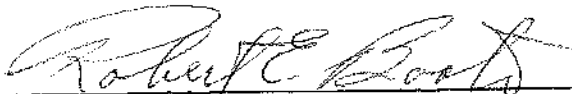
- A. The Staffordshire Bull Terrier breed of dog;
- B. The American Pit Bull Terrier breed of dog;
- C. The American Staffordshire Terrier breed of dog;
- D. Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, or a combination of any of those breeds.

SECTION 4. Any person violating or permitting the violation of any provision of this Ordinance shall, upon conviction, be fined in a sum not less than Two Hundred Dollars (\$200) and not more than One Thousand Dollars (\$1,000). In addition to the fine imposed the Court may sentence the Defendant to imprisonment for a period not to exceed 30 days. In addition to all other penalties the Court shall order the registration of the subject pit bull dog revoked and the dog removed from the City. Should Defendant forthwith refuse to remove such dog from the City of Garnett, the Municipal Court Judge shall find the defendant owner in contempt of court and shall order the immediate confiscation and impoundment of the subject dog. In addition to all of the foregoing penalties any person who is convicted of violating this ordinance shall be ordered to pay all expenses including shelter, food, handling, veterinary care and securing testimony necessitated by the enforcement of this Ordinance. Each day that a violation of this Ordinance continues shall be deemed a separate offense.

SECTION 5. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any Court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Ordinance.


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

PASSED AND APPROVED this 25th day of July, 1989.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3209

**AN ORDINANCE ADOPTING AN INTERLOCAL AGREEMENT
BETWEEN THE CITY OF GARNETT, KANSAS, AND ANDERSON COUNTY,
KANSAS, PROVIDING FOR THE REGULATION OF THE USE OF LAND
WITHIN THE GROWTH AREA OUTSIDE THE CITY OF GARNETT.**

WHEREAS, the City of Garnett, Kansas desires to enter into an agreement providing for joint city-county regulation of certain unincorporated land pursuant to the Interlocal Cooperation Act, K.S.A. 12-2901 et seq. and K.S.A. 12-744(c), and

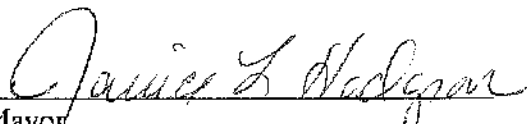
WHEREAS, the Governing Body of the City of Garnett has studied and approved the agreement entitled, "Interlocal Agreement Between Anderson County, Kansas and the City of Garnett, Kansas, Providing for the Joint Regulation of the Use of Land Lying Within Territory Designated as the Growth Area of the City of Garnett," and

WHEREAS, K.S.A. 12-2904(b) requires the Governing Body to take action by ordinance, in order for such an Interlocal Agreement to take force and effect,

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

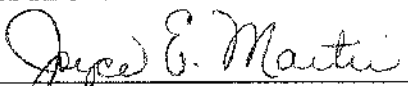
Section 1. The Governing Body hereby adopts the "Interlocal Agreement Between Anderson County, Kansas and the City of Garnett, Kansas, Providing for the Joint Regulation of the Use of Land Lying Within Territory Designated as the Growth Area of the City of Garnett." Such agreement is hereby incorporated by reference, as provided by K.S.A. 12-3301 et seq. and shall be as much a part of this ordinance as if set out fully herein.

Section 2. This ordinance is adopted under the authority of the Interlocal Cooperation Act, K.S.A. 12-2901 et seq. and K.S.A. 12-744(c) of the Planning and Zoning Enabling Act, K.S.A. 12-741 et seq., this 28th day of January, 1997.



Mayor

ATTEST:



City Clerk

**INTERLOCAL AGREEMENT BETWEEN ANDERSON COUNTY,
KANSAS AND THE CITY OF GARNETT, KANSAS PROVIDING
FOR THE JOINT REGULATION OF THE USE OF LAND LYING
WITHIN TERRITORY DESIGNATED AS THE GROWTH AREA
OF THE CITY OF GARNETT**

This Interlocal Agreement ("Agreement") is entered into this ____ day of _____, 1997 by and between Anderson County ("County") and the City of Garnett ("City").

WHEREAS, K.S.A. 12-2901 et seq., and K.S.A. 12-744(c) provide legal authority for cities and counties to cooperate in the exercise of their powers in a manner that will best serve the public interest; and

WHEREAS, K.S.A. 12-2901 et seq., the Interlocal Cooperation Act, authorizes cities and counties to enter into interlocal agreements for joint or cooperative action pursuant to the provisions of the Interlocal Cooperation Act; and

WHEREAS, Anderson County and the City of Garnett desire to enter into an interlocal agreement for the regulation of the use and development of land outside the City limits of the City of Garnett.

NOW, THEREFORE, IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES HERETO, AS FOLLOWS:

Section 1. Purpose and Scope.

(a) The purpose of this Agreement is to provide for the delegation of certain land use regulatory authority, from the County to the City, over territory designated as the City's "Growth Area," subject to the conditions set out in this Agreement.

(b) This Agreement shall not be interpreted as affecting the zoning and subdivision powers of the City or the County other than within the Growth Area as

provided for in this Agreement. All powers of the County over unincorporated territory outside the designated Growth Area, and all powers of the County over territory within the designated Growth Area other than those relating to zoning and subdivision regulation and building codes are hereby expressly reserved to Anderson County.

Section 2. Growth Area Boundaries; Adjustments.

(a) The City and County hereby designate certain territory outside the City's corporate limits but within Anderson County as the City's "Growth Area." Land used in such area is hereby found to influence both City and County resources, and it is therefore in the public interest for land use regulatory authority over such Area to be shared by the County and City. The Growth Area shall be designated on a map which is hereby incorporated by reference within this Agreement as Attachment A.

(b) Adjustments to the original boundaries of the Growth Area shall be made by passage of a joint resolution and ordinance. Any such adjustments shall not be in conflict with the adopted Comprehensive Plan of the County. Such adjustments shall not be interpreted as being amendments to this Agreement nor as amendments to either the City's or County's zoning or subdivision regulations.

Section 3. Zoning Jurisdiction.

(a) The County hereby delegates to the City its zoning authority under state law, over land within the Growth Area designated under this Agreement. Such delegation of authority shall take effect upon (1) the effective date of all amendments to the City's and County's zoning regulations which are required under this Agreement and (2) the City's appointment of at least two members to the Garnett Planning Commission who reside outside the corporate city limits, but within the designated Growth Area. Until such

delegation takes effect, land within the Growth Area shall continue to be subject to the existing zoning regulations of the County.

(b) Such delegation shall be of all such zoning authority now held by the County over land within the Growth Area except where such authority is expressly retained by the County by the provisions of this Agreement, and except as such delegation is conditioned, as follows:

- (1) The city shall comply with all statutory procedures for amending its current zoning regulations to extend its zoning jurisdiction consistent with this Agreement.
- (2) The County shall comply with all statutory procedures for amending its current zoning regulations to limit its zoning authority over land within the Growth Area, consistent with this Agreement.
- (3) Those zoning regulations initially adopted by the City for application to land within the Growth Area shall not take effect unless and until first approved by motion adopted by majority vote of the Anderson County Board of County Commissioners.
- (4) All text amendments to the City's zoning regulations shall be submitted to the County which shall identify those amendments which are matters of County interest, within the Growth Area, consistent with the purpose of this Agreement. Such text amendments to the City's zoning regulations shall not take effect with respect to land within the Growth Area unless and until first approved by the City and by motion adopted by majority vote of

the Anderson County Board of County Commissioners.

- (5) Rezoning, commenced under the City's zoning regulations, of land within the Growth Area which constitute "downzonings" of "developments of regional impacts" shall not take effect unless and until first approved by the City and by motion adopted by majority vote of the Anderson County Board of County Commissioners.

Section 4. Subdivision Jurisdiction.

(a) The County hereby delegates to the City its subdivision authority under state law, over land within the Growth Area designated under the Agreement. Such delegation of authority shall take effect upon the effective date of all amendments to the City's and County's subdivision regulation which are required under this Agreement. Until such delegation takes effect land within the Growth Area shall continue to be subject to the subdivision regulations of the County.

(b) Such delegation shall be of all such subdivision authority now held by the County over land within the Growth Area except where such authority is expressly retained by the County by the provisions of this Agreement, and except where such delegation is conditioned, as follows:

- (1) The City shall comply with all statutory procedures for amending its current subdivision regulations to extend its subdivision jurisdiction consistent with this Agreement.
- (2) The County shall comply with all statutory procedures for amending its current subdivision regulations to limit its subdivision authority over land within the Growth Area, consistent with this Agreement.

- (3) Those subdivision regulations initially adopted by the City for application to land within the Growth Area shall not take effect unless and until first approved by motion adopted by majority vote of the Anderson County Board of County Commissioners.
- (4) All amendments to the City's subdivision regulations shall be submitted to the County which shall identify those amendments which are matters of County interest, within the Growth Area, consistent with the purpose of this Agreement. Such amendments to the City's subdivision regulations shall not take effect with respect to land within the Growth Area unless and until first approved by the City and by motion adopted by majority vote of the Anderson County Board of County Commissioners.

Section 5. Building Code Jurisdiction.

(a) As authorized by K.S.A. 12-751(b), the City may adopt and enforce building codes within the designated Growth Area, subject to the following:

- (1) Once adopted by the City, no such building code regulations shall take effect, with respect to land within the Growth Area, unless and until the County Board, by motion passed by majority vote, shall approve such building codes; and
- (2) All amendments to the City's building code shall be submitted to the County which shall identify those amendments which are matters of County interest, within the Growth Area, consistent with the purpose of this Agreement. Such amendments to the City's

building code shall not take effect with respect to land within the Growth Area unless and until first approved by the City and by motion adopted by majority vote of the Anderson County Board of County Commissioners.

Section 6. Duration and Effect.

(a) This Agreement shall be perpetual in duration; unless terminated in accordance with Section 7, and be in effect from the latter of the date the Agreement has been filed with the Anderson County Register of Deeds or the date the Agreement has been filed with the Secretary of State pursuant to K.S.A. 12-2905. Such shall occur after approval of this Agreement by the Attorney General.


Section 7. Termination.

(a) At the end of the initial five years duration of this Agreement, either the City or County may unilaterally terminate this Agreement upon the City or County giving a six month's written notice to the other party of its intent to withdraw. Termination shall then be effective on the January 1 following the six month's notice.

(b) The City and the County may mutually agree to terminate this Agreement at any time.

(c) Upon termination of this Agreement, for any reason, all land use regulatory authority of the County shall again apply to all unincorporated territory designated as the Growth Area.

Section 8. Approval by the City of Garnett. This Interlocal Agreement was approved by adoption of Ordinance No. 3209 on January 28, 1997.



Mayor, City of Garnett

Section 9. Approval by Anderson County. This Interlocal Agreement was approved by enactment of Resolution No. 3209 on January 28, 1997.

Board of County Commissioners

Board of County Commissioners

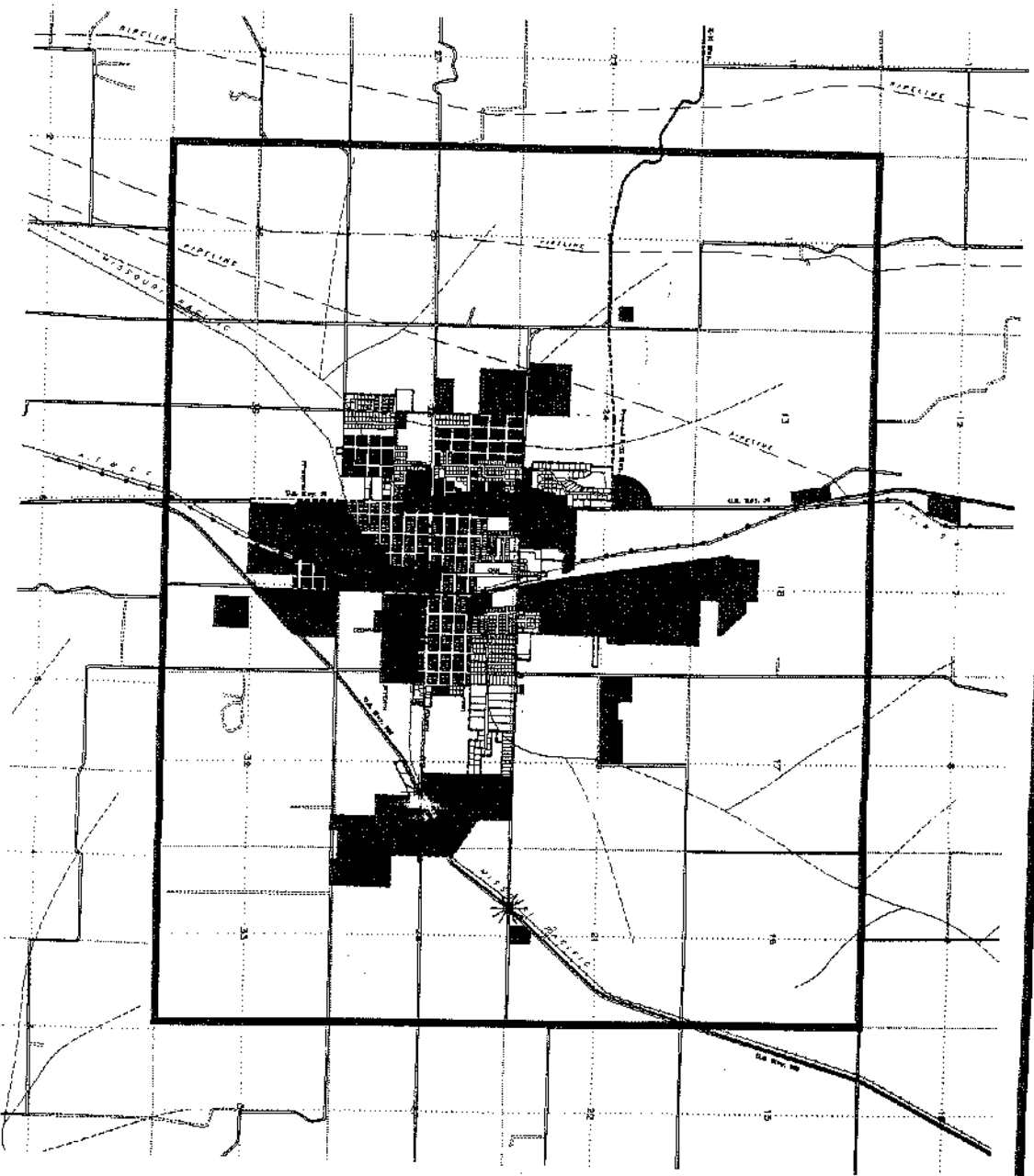
Board of County Commissioners

Section 10. Approval of Attorney General. This Interlocal Agreement was approved by the Attorney General of the State of Kansas on _____, 1997.

Carla J. Stovall, Attorney General
By: _____

Section 11. This Interlocal Agreement was filed with the Secretary of State on _____, 1997 and with the Anderson County Register of Deeds on _____, 1997.

FUTURE LAND USE



LEGEND

- Low-Density Residential
 - Moderate-to-High-Density Residential
 - Long-Term Residential
 - Public/Semi-Public
 - Mixed Use (Commercial, Office & Residential)
 - Light Industrial
 - Heavy Industrial
 - Parks & Recreation
 - Commercial
 - Redevelopment Area
 - Walking/Bike Trail
 - Landscape City Entrances
 - Vacant or Agricultural
- Garnett Regional Planning Commission Jurisdiction
- NOTE: Zoning Ordinance (Amendment of Unincorporated Towns in the Garnett Planning Area) Act of 1998.



Comprehensive Plan
 City of Garnett, Kansas and the Garnett Planning Region

PREPARED BY: BUCHER, WILLIS & GALTUS
 ARCHITECTS & PLANNERS • ARCHITECTS
 2008 West 14th Street, Suite 100, Garnett, MO 64449
 Phone: 816-432-4444 Fax: 816-432-4444

Exhibit A

ORDINANCE NO. 3213

AN ORDINANCE RELATING TO THE CUTTING OF WEEDS AND VEGETATION, PROVIDING FOR NOTICE AND PROVIDING FOR CUTTING BY THE CITY OF GARNETT, KANSAS, AND PROVIDING FOR CHARGES THEREFOR.

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

SECTION 1. Weeds to be removed. It shall be unlawful for any owner, agent, lessee, tenant, or other person occupying or having charge or control of any premises to permit weeds to remain upon said premises or any area between the property lines of said premises and the centerline of any adjacent street or alley, including but not specifically limited to sidewalks, streets, alleys, easements, rights-of-way and all other areas, public or private. All weeds are hereinafter defined are hereby declared a nuisance and are subject to abatement as hereinafter provided.

SECTION 2. Definitions.

(a) Calendar Year as used herein, means that period of time beginning January 1 and ending December 31 of the same year.

(b) Weeds as used herein, means any of the following:

- (1) Brush or woody vines shall be classified as weeds;
- (2) Weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;
- (3) Weeds which bear or may bear seeds of a downy or wingy nature;
- (4) Weeds which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare;
- (5) Weeds and indigenous grasses on or about residential property which, because of its height, has a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed eight (8) inches in height.

(c) Restricted Mail as used herein means mail deposited with the U.S. Postal Service as "Certified" or "Registered" mail and endorsed on the face thereof as such and "Deliver only to Addressee" and on which sufficient postage has been paid to permit delivery thereof by the U.S. Postal Service.

SECTION 3. Public Officer; Notice to Remove. The City Manager shall designate a public officer to be charged with the administration and enforcement of this ordinance. The public officer or an authorized assistant shall notify in writing by restricted mail the owner, occupant or agent in charge of any premises in the city upon which weeds exist in violation of this ordinance, by mail or by personal service, once per calendar year. Such notice shall include the following:

(a) That the owner, occupant or agent in charge of the property is in violation of the city weed control law.

(b) That the owner, occupant or agent in charge of the property is ordered to cut the weeds within ten days of the receipt of notice.

(c) That the owner, occupant or agent in charge of the property may request a hearing before the governing body or its designated representative within five days of the receipt of notice.

(d) That if the owner, occupant or agent in charge of the property does not cut the weeds, the city or its authorized agent will cut the weeds and assess the cost of the cutting, including a reasonable administrative fee, against the owner, occupant or agent in charge of the property.

(e) That the owner, occupant or agent in charge of the property will be given an opportunity to pay the assessment, and, if it is not paid, it will be added to the property tax as a special assessment.

(f) That no further notice shall be given prior to removal of weeds during the current calendar year.

(g) That the public officer should be contacted if there are any questions regarding the order.

If there is a change in the record ownership to any such property subsequent to the giving of notice pursuant to this subsection, the city may not recover any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds on such property unless the new record owner of such property is provided notice as required by this section.

SECTION 4. Abatement; Assessment of Costs.

(a) Upon the expiration of ten days after receipt of the notice required by Section 3, and in the event that the owner, occupant or agent in charge of the premises shall neglect or fail to comply with the requirements of Section 1, the public officer or an authorized assistant shall cause to be cut, destroyed and/or removed all such weeds and abate the nuisance created thereby at any time during the current calendar year.

(b) The public officer or an authorized assistant shall give notice to the owner, occupant or agent in charge of the premises of the costs of abatement of the nuisance. The notice shall state that payment of the costs is due and payable within 10 days following receipt of the notice.

(c) If the costs of removal or abatement remain unpaid after 10 days following receipt of notice, a record of the costs of cutting and destruction and/or removal shall be certified to the county clerk who shall cause such costs to be assessed against the particular lot or piece of land on which such weeds were so removed, and against such lots or pieces of land in front of or abutting on such street or alley on which such weeds

were so removed. The city clerk shall certify the assessment to the county clerk at the time other special assessments are certified for spreading on the tax rolls of the county.

SECTION 5. Right of Entry. The public officer, and the public officer's authorized assistants, employees, contracting agents or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of cutting, destroying and/or removing such weeds in a manner not inconsistent with this ordinance.

SECTION 6. Unlawful Interference; Penalty.

(a) It shall be unlawful for any person to interfere with or to attempt to prevent the public officer or the public officer's authorized representative from entering upon any such lot or piece of ground or from proceeding with such cutting and destruction. Such interference shall constitute an ordinance violation.

(b) Anyone found guilty of violating this section shall be punished as provided in the general penalty sections of the Municipal Code.

SECTION 7. Noxious Weeds.

(a) Nothing in this ordinance shall affect or impact the rights of the city under the provisions of Chapter 2, Article 13 of the Kansas Statutes Annotated, relating to the control and eradication of certain noxious weed.

(b) For the purpose of this section, the term noxious weeds shall mean kudzu (*Pueraria lobata*), field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea picris*), hoary cress (*Lepidium draba*), Canada thistle (*Cirsium arvense*), quackgrass (*Agropyron repens*), leafy spurge (*Euphorbia esula*), burragweed (*Franseria tomentosa* and *discolor*), pignut (*Hoffmannseggia densiflora*), musk (nodding) thistle (*Carduus nutans* L.) and Johnson grass (*Sorghum halepense*).

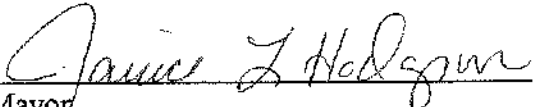
SECTION 8. Issuance of annual permit for agricultural use. The public officer charged with the administration and enforcement of this ordinance shall be authorized to issue an annual Agricultural Use Permit subject to rules and regulations adopted by the administrative authority for property being used for hay or the pasture of animals. Such permits shall expire on December 31 of the same year issued. Provided, no such permit shall be issued for a tract, lot or parcel of land less than two (2) acres in area.

SECTION 9. Effective scope of ordinance. This ordinance shall be effective only for the current calendar year, and shall take effect and be in force from and after its passage

Ordinance No. 3213
Page Four

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

PASSED this 11th day of March, 1997.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3216

AN ORDINANCE VACATING A PART OF A CERTAIN UTILITY EASEMENT IN THE MAPLEWOOD ADDITION TO THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST; ALL DONE PURSUANT TO K.S.A. 14-423

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

SECTION 1: The utility easement depicted on the face of the Plat of Maplewood Addition to the City of Garnett, Kansas, filed and recorded on or about the 1st day of December, 1981, in the Plat Book in the office of Register of Deeds of Anderson County, Kansas, and the easement described in words in the dedication of Plat of Maplewood Addition appearing of record in Book 15 MCL at Page 238 in the office of Register of Deeds of Anderson County, Kansas, is hereby vacated, set aside, and held for naught as a utilities easement with respect to the following described real estate, situated within said Addition, to-wit:

Tract 1:

Lot Two (2) in Maplewood Addition to the City of Garnett, Anderson County, Kansas, and commencing at the Southeast Corner of said Lot Two (2), thence East along the North line of Lot One (1) of said Maplewood Addition, a distance of 205.40 feet, thence North parallel to the West line of said quarter section, a distance of 150 feet, thence West parallel to the North line of said Lot One (1) a distance of 205.40 feet, to the Northeast Corner of Lot Two (2) of said Maplewood Addition, thence South along the East line of said Lot Two (2), a distance of 150 feet to the place of beginning, less U. S. Highway No. 59 right-of-way.

Tract 2:

The South 60 feet of Lot Three (3) in Maplewood Addition to the City of Garnett, Anderson County, Kansas, less U. S. Highway No. 59 right-of-way.

Tract 3:

Commencing at the Southeast Corner of Lot Three (3) in Maplewood Addition to the City of Garnett, Anderson County, Kansas, thence East along the extension of the South line of said Lot Three (3) a distance of 75 feet, thence North parallel to the east line of said Maplewood Addition, a distance of 60 feet, thence West parallel to said South line of Lot Three (3), a distance of 75 feet, to a point on the East line of said Lot Three (3), thence south along said East line of Lot Three (3), a distance of 60 feet, to the place of beginning.


SECTION 2: Vacation of the above described easement, insofar as the same affects the real estate above described, is

requested by the owners thereof and due to one or more errors was incorrectly described in said Plat documents and the sanitary sewer system, according to current engineering and survey advice, not actually built entirely within said easement description; and the City of Garnett having obtained alternative and substitute easements such that vacation of such easement presently will not in any way inconvenience the public, nor be adverse to the public interest.

SECTION 3: Within a period of thirty (30) days after the publication of this Ordinance, as provided by law, one (1) or more interested persons may file a written protest to such vacation in the office of City Clerk, at City Hall, in Garnett, Kansas; and unless such written protest is filed within the said thirty (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 the expiration of the time provided in Section 3 above and by statute.

ADOPTED This 8th day of April, 1997.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3218

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 \$7,712.28 incurred through December 31, 1996 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 April, 1997.


Mayor

Attest:


City Clerk

<u>Name</u>	<u>\$ Amount</u>
Omeda Adams	\$ 110.46
Mike & Hali Bouska	395.63
Steve Burris	138.27
Beverly Chapman	87.24
Christina Cook	203.62
Lisa S. Demaranville	680.68
Franklin D. Evans	204.39
Victoria Foster	140.29
Melissa Franklin	89.49
Joe Hodgins	286.92
Barbara Johnston	130.86
Wayne Johnston Jr.	250.33
Rick King	247.69
Lowell R. Millsap	3,985.31
Marco Perez & Teresa Banks	223.50
John Pollard	13.62
Brenda Schneider	141.36
Glen L. Tyler	88.15
Sarah Yarnell	294.47
Total	\$7,712.28

ORDINANCE NO. 3219

AN ORDINANCE AMENDING TITLE 9, CHAPTER 1, SECTION 3 OF THE MUNICIPAL CODE EXPANDING CERTAIN EXCEPTIONS FOR CONDUCTING RETAIL ACTIVITIES ON PUBLIC SIDEWALKS; REPEALING EXISTING TITLE, CHAPTER, AND SECTION

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

SECTION 1: Title 9, Chapter 1, Section 3 of the Municipal Code is hereby amended to read as follows:

9-1-3: OBSTRUCTION OF SIDEWALKS UNLAWFUL; CERTAIN EXCEPTIONS; PERMITS FOR TEMPORARY CONDITIONS:

(A) It shall be unlawful for any person:

1. To build, construct, erect, or install any barricade, scaffold or other obstruction, whether temporary or permanent;
2. To move, leave or allow to be left any implements, tools, equipment or building materials except as may be necessary to load or unload the same; or,
3. To leave or allow to be left or stored any unattended goods, wares, merchandise or the necessary display or showcases for the same;

on any sidewalks or other public ways of the City.

(B) Goods, wares, and merchandise, whether new or used, offered for sale by any merchant occupying a business premises abutting a sidewalk or other public way together with the necessary display or showcase therefor shall be conclusively presumed not to be unattended if placed upon such sidewalk or other public way so as to permit a reasonably unrestricted pedestrian walkway and if placed thereon for on so long as the business is actually open for the active conduct of business in the abutting or adjacent premises.

(C) The proprietor of any business licensed by appropriate State agencies to serve food and beverage at retail and the premises of which abut any sidewalk or other public way, may place tables, chairs, bars, stools, or establish other types of seating areas on such sidewalk for the service to and consumption by customers of food and beverage. Such shall be conclusively presumed not to be unattended if placed upon such sidewalk or other public way so as to permit a reasonably unrestricted pedestrian walkway and if placed thereon for only so

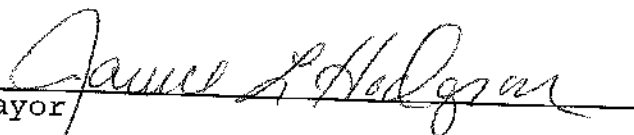
long as the business is actually open for the active conduct of business in the abutting or adjacent premises.

- (D) Nothing in this Section shall be construed to prohibit planters, benches, or other decorations of reasonable size and in reasonable number to be placed in front of any business upon the public sidewalk or ways if such constitute neither a sight hazard to the motoring public or to pedestrians nor otherwise impede pedestrian traffic.
- (E) The City Manager is hereby authorized to grant, upon a satisfactory showing of need, temporary permits in connection with a building or moving permit, or during a remodeling or maintenance project, for limited times, to allow the owner or occupant of property abutting any such sidewalk or public way to use or encumber such sidewalk of public way of the City during the construction, improvement, remodeling or maintenance of any building. But, no such permit shall be issued until plans for warning and safeguarding the public during such period shall have been submitted to the City Manager and approved. During such temporary period, every effort shall be made to provide a temporary, safe walkway for pedestrians.

SECTION 2: Title 9, Chapter 1, 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 from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED AND APPROVED This 22nd day of April, 1997.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3220

AN ORDINANCE GRANTING TO KANSAS CITY POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE AN ELECTRIC TRANSMISSION LINE ALONG, OVER AND ACROSS CERTAIN STREETS, ALLEYS AND PUBLIC HIGHWAYS IN THE CITY OF GARNETT, KANSAS.

WHEREAS, Kansas City Power & Light Company is a corporation duly created, organized and existing under and by virtue of the laws of the State of Missouri, and admitted to do business under the laws of the State of Kansas as a foreign corporation for the purpose of generating and distributing electric energy; and

WHEREAS, Kansas City Power & Light Company owns and operates a system for the transmission of electric current in the vicinity of the City of Garnett, Kansas, and between many incorporated cities within the State of Kansas, which system passes into and through the City of Garnett, Kansas, and has been, over such system furnishing electric current to many communities within the State of Kansas, and desires to continue the furnishing of such service.

NOW, THEREFORE, be it ordained by the governing body of the City of Garnett, Kansas:

SECTION 1. The right, power and authority is hereby granted to Kansas City Power & Light Company, hereinafter called the Company, its successors and assigns, to construct, maintain and operate for a period of twenty (20) years an electric transmission line along, over and across the following described streets, alleys and public highways in the City of Garnett, Kansas, to-wit:

Beginning at a point which is 1513.3 feet North and 37 feet West of the Southeast corner of the Southeast Quarter (SE 1/4) of Section 24, Township Twenty (20) South, Range Nineteen (19) East; thence extend Southerly, parallel with and along the West Right-of-Way of U.S. Highway 59, as it now exists, to a point 130 feet West of said Southeast corner of the Southeast Quarter (SE 1/4) of Section 24; thence South into Section 25, a distance of approximately 30 feet to the South Right-of-Way of Highway K-31; thence West along the South edge of Highway K-31 parallel to and approximately 30 feet South of the North line of said section to a point approximately 30' East and 30' South of the centerline intersection of Cleveland Avenue and North line of said section, thence in a northwesterly direction into Section 24, outside the City limits of the City of Garnett, Kansas, all within Township 20 South, Range 19 East, Anderson County, Kansas.

SECTION 2. The purpose and intent of this Ordinance is to enable the Company to make service connection for supplying electric energy to the communities it serves and for the purpose of conveying electric energy over said transmission line to communities it serves in the

State of Kansas and no right or authority to sell or distribute any electric energy within the City of Garnett, Kansas, is granted by this Ordinance.

SECTION 3. Said transmission line shall be substantially erected and maintained in accordance with accepted standards and shall comply with the rules and regulations of the Corporation Commission of the State of Kansas.

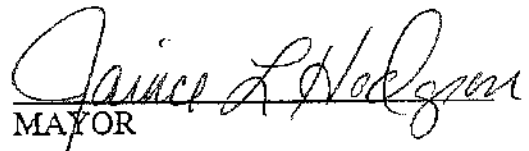
SECTION 4. The Company shall pay to the City Treasurer for the privileges herein granted the sum of \$1.00 (One Dollar) annually, payable in advance for the full period, and shall also pay the costs of printing and publication of this Ordinance.


SECTION 5. This ordinance shall take effect and be in force from and after ten (10) days from its passage and publication in the City's official paper.

SECTION 6. All provisions of this Ordinance shall be binding upon the Company from and after the date this Ordinance takes effect, and shall inure to the benefit of the Company, its grantees, successors and assigns.

PASSED AND APPROVED this 27 day of May, 1997.

CITY OF GARNETT, KANSAS


MAYOR


CITY CLERK

ORDINANCE NO. 3223

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 ORDIANED 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 that the zoning classification of the following described land situate in Anderson County, Kansas, to-wit:

Lots 6, 7, 8, 9 and 10, Block Four (4), Parkview Addition to the City of Garnett; also

Beginning at the Northwest Corner of Lot 6, Block 4 in Parkview Addition to City of Garnett; thence Southeasterly along the west side of said Block 4 to Southwest Corner of Lot 10 in said Block 4; thence East on South side of Lot 10 to Southeast Corner of said Lot 10; thence Southeasterly along the West side of Blocks 1, 2 and 3 of said Parkview Addition to Southwest Corner of Lot 1, Block 1, Parkview Addition; thence West to East line of the right-of-way of the Atchison, Topeka & Santa Fe Railroad; thence northwesterly along the East line of said right-of-way to the intersection of said right-of-way line with North section line of Section 30, Township 20, Range 20, Anderson County, Kansas; thence East on said Section line to a point due North of said place of beginning; thence South to place of beginning, subject to the right-of-way of the street along North side of said tract; being a tract in the Northeast Quarter of Section 30, Township 20, Range 20, Anderson County, Kansas;

Except,

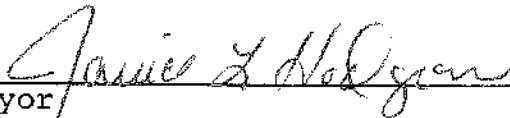
Beginning at the Northwest Corner of Lot Four (4), Block Two (2), Parkview Addition to the City of Garnett, running thence west to the east right-of-way line of the Atchison, Topeka and Santa Fe Railroad, thence south along said right-of-way to a point due west of the Southwest Corner of Lot One (1), Block One (1) in said Parkview Addition, thence east to the Southwest Corner of said Lot One (1) in Block One (1), thence north along the west side of Blocks One (1) and Two (2) in said Parkview Addition to the place of beginning, being in and part of the Northeast Quarter (NE/4) of Section Thirty (30), Township Twenty (20) South, Range Twenty (20) East of the 6th Principal Meridian;

is hereby changed from R-1 (Residential--Low Density District) to R-3 (Flexible Residential Dwelling 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, 3 voting Aye; -0- voting Nay; and approved this 27th day of May, 1997.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3228

AN ORDINANCE VACATING A PART OF NINTH AVENUE IN THE CHAPMAN ADDITION TO THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST; ALL DONE PURSUANT TO K.S.A. 14-423

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

SECTION 1: The following described real estate situate in Anderson County, Kansas, to-wit:

Beginning at the Northwest Corner of Lot Two (2), Block Twelve (12), Chapman's Addition to the City of Garnett, thence North 15 feet; thence East parallel to the South line of Ninth Avenue to the West line of the Prairie Spirit Rail-Trail right-of-way; thence Southwesterly along said right-of-way to the Northeast Corner of Lot Two (2), Block Eleven (11), Chapman's Addition; thence West along the South line of Ninth Avenue to the point of beginning

be vacated as a public street. Chapman Addition was duly platted and the Plat recorded in the Plat Book in the office of Register of Deeds, Anderson County, Kansas, at Page 13.

SECTION 2: Vacation of the above described portion or part of the said public street is done at the instance of the City of Garnett, Kansas, who acquired title to the property adjacent and lying South of said street right-of-way in connection with an industrial revenue bond issue. In connection with the re-sale thereof, it has been determined from competent surveyors that a portion of the building situated primarily upon the land adjacent and south of the said public street right-of-way actually encroaches upon approximately fifteen feet (15') of the said right-of-way. Such encroachment has existed for the entire lifetime of said building, which at least a part thereof has been in existence and sitting thereon for more than one hundred (100) years. The City of Garnett owns all of the land lying immediately adjacent and along the north boundary of said street right-of-way and thus vacating the above described portion thereof will not in any way inconvenience the public, nor be adverse to the public interest. Present road right-of-way is in use and a part is open as Ninth Avenue and the same constitutes a "dead end" street of limited usage and such street as is presently open and being utilized will remain and will not be affected by the above vacation.

SECTION 3: Within a period of thirty (30) after the publication of this Ordinance, as provided by law, one or more interested persons may file a written protest to the vacation of the said part of said public street in the office of City Clerk at City Hall, in Garnett, Kansas; and unless such a written protest is filed within the said thirty (30) day period, this Ordinance shall be fully effective.

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; and after the expiration of the time period set forth in Section 3 above and as provided by statute.

PASSED This 14th day of July, 1997.

Janice L. Helgum
Mayor

A T T E S T:

James E. Martin
City Clerk

ORDINANCE NO. 3229

AN ORDINANCE AMENDING TITLE 2, CHAPTER 4, SECTION 2 OF THE MUNICIPAL CODE, RELATING TO THE ORGANIZATION AND POWERS OF THE LIBRARY BOARD; PROVIDING FOR THE ESTABLISHMENT OF A STANDING COMMITTEE FOR THE CARE, MAINTENANCE, AND CUSTODIANSHIP OF CITY-OWNED ART WORK

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

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

2-4-2: ORGANIZATION AND POWERS OF BOARD; CREATION AND APPOINTMENT AND DUTIES OF STANDING COMMITTEE FOR ART WORK:

- (a) Said Board shall, immediately after their appointment, meet and organize by electing one of their number President and by the election of such other officers as they may deem necessary. They shall have exclusive control of the expenditure of all moneys collected and the supervision, care, and custody of all buildings and library property. They may appoint a Librarian and assistants and prescribe rules for their conduct. They shall (i) as specified in the next sub-paragraph, appoint members to the Standing Committee for Art Work, which committee shall be responsible for the care, maintenance, and custodianship of all art work housed in or belonging to the Library and the City of Garnett, including, but not limited to, the Mary Bridget McAuliffe Walker Art Collection; and (ii) shall make and adopt such rules and regulations as may be expedient for the handling of all library business.
- (b) The Standing Committee for Art Work shall consist of not less than five (5), nor more than seven (7) members, which shall initially be comprised of the members of the existing "ad hoc" art committee. Thereafter the Library Board shall appoint two (2) members to serve on the committee, at least one (1) of whom shall be a current member of the Library Board; the City Commission shall appoint an additional two (2) members; and the four (4) members thus constituted shall name no fewer than one (1), nor more than three (3) additional members. The terms of appointment of those members appointed by the City Commission shall be three (3) years. The terms of all other appointees shall be as fixed by bylaws or rules of either the Library Board or the Art Committee, but in no event shall the terms be for longer than three (3) years. The City Manager may from year to year designate one of said committee members to be curator of the Garnett municipal art collections. The Library Board shall have authority to prescribe roles and duties for such committee and for the curator as may from time to time be necessary or expedient.

Ordinance 3229
Page 2

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

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

PASSED AND APPROVED This 22nd day of July, 1997.

James L. Hodgson
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 3231

AN ORDINANCE AMENDING SECTION 9 OF ORDINANCE 3213, EXTENDING INDEFINITELY THE PROVISIONS OF SAID ORDINANCE REGULATING THE CUTTING OF WEEDS AND VEGETATION

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

SECTION 1: Section 9, Ordinance 3213, is hereby amended to read as follows:

SECTION 9. Effective Scope of Ordinance. 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.

SECTION 2: Section 9, Ordinance 3213, 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 12TH day of August, 1997.



Mayor Pro Tem

A T T E S T:



City Clerk

ORDINANCE NO. 3232

**AN ORDINANCE PROHIBITING THE PARKING OF VEHICLES ON THE ALLEY
RUNNING ALONG THE NORTH BOUNDARY LINE OF BLOCK ONE (1) IN FARRIS
ADDITION TO THE CITY OF GARNETT, KANSAS**

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

SECTION 1: No person shall stand or park any vehicle along
either side of the alley running along the north side of Block
One (1) in the Farris Addition to the City of Garnett, Kansas.

SECTION 2: The City Codifier is hereby instructed to insert
the provisions of this Ordinance in Title 10, Chapter 2, Section
1(A), numbering the same as Subparagraph 13.

SECTION 3: This Ordinance shall take effect and be in force
from and after its passage and publication one (1) time in an
official newspaper of the City of Garnett, Kansas.

PASSED This 12th day of August, 1997.

Michael L. Norman
Mayor Pro Tem

A T T E S T:

Joyce E. Martini
City Clerk

ORDINANCE NO. 3234

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;

WHEREAS, the following described land meets one or more of the conditions prescribed by K.S.A. 12-520(a)(1-6); and

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

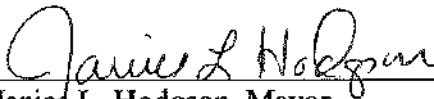
NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

Section 1. The following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed to and made a part of the City of Garnett, Kansas:

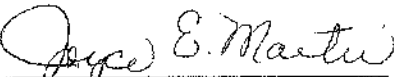
Beginning at the southwest corner of the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence East 300 feet, thence North 300 feet, thence North $35^{\circ}43'03''$ East 232 feet, thence Northwesterly to a point on the quarter-quarter section line 380 feet east of the northwest corner of said Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of said Section Nineteen (19), thence West 380 feet to the northwest corner of said quarter-quarter section, thence South 1320 feet more or less to the place of beginning.

Section 2. This ordinance shall be effective from and after its passage, approval 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 August, 1997.


Janice L. Hodgson, Mayor

ATTEST:


Joyce E. Martin, City Clerk

ORDINANCE NO. 3236

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CITY OF GARNETT, KANSAS, AND AMENDING TITLE 10, CHAPTER 7, SECTIONS 1, 2 and 3 OF THE MUNICIPAL CODE; ADOPTING AND INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," 1997 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", 1997 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 hereinafter 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. 3236 " 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 2 of the Municipal Code, is hereby amended to read as follows:

10-7-2: SPECIFIC MAXIMUM SPEED LIMITS NOT AMENDED OR REPEALED:

Article 7, Section 33 of the Standard Traffic Ordinance for Kansas Cities, Edition of 1997, as adopted in Section 1 above, shall not be construed to effect an amendment or repeal of any of the specific maximum speed limit provisions set forth in Title 10, Chapter 4 of the Municipal Code or the special school zone limits set forth in Title 10, Chapter 8 of the

Municipal Code which said special maximum speed limits and school zone limits shall apply in the designated areas, superseding the provisions of said Section 33 therein.

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

10-7-3: OMISSION: Article 20, Section 201 of the Standard Traffic Ordinance for Kansas Cities, Edition of 1997, is hereby omitted.

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

10-7-4: PENALTIES

(a) It is unlawful for any person to violate any of the provisions of this Chapter.

(b) The judge of the Municipal Court shall in the manner prescribed by K.S.A. Supp. 12-4305 and amendments thereto establish a schedule of fines for violation of any section or sub-part of this Chapter classified as an ordinance traffic infraction by K.S.A. Supp. 8-2118 and amendments thereto. Such fines shall be imposed upon a voluntary entry of appearance and upon a plea of guilty or no contest to a complaint alleging such violation together with any court costs.

(c) Every person convicted after trial of a traffic infraction may be sentenced to pay a fine which shall be fixed by the court not exceeding \$500 together with any court costs.

(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 first conviction thereof by a fine of not more than \$100 or by imprisonment for not more than 10 days 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 \$200 or by imprisonment for not more than 20 days 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 \$500 or by imprisonment for not more than six months or by both such fine and imprisonment.

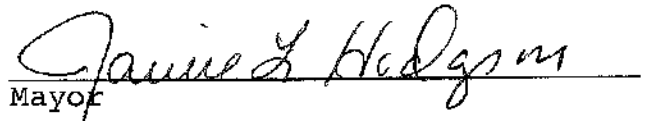
(e) For the purpose of determining whether a conviction is a first, second or third or subsequent conviction in sentencing under this Section, the term "conviction" includes being convicted of or forfeiting bond for any part of any Chapter of Title 10 of this code; any corresponding provisions of the ordinances of any other city or municipality of this or any other state; the provisions of Chapter 8 of the Kansas Statutes Annotated; or like statutes of any other state, whether such is repetitious of the same action or is

for any other action proscribed by such enactments.


SECTION 5: Title 10, Chapter 7, Sections 1 through 4, inclusive, 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 conditions as if the original ordinances or code sections had not been 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 9th day of September, 1997.


Mayor

A T T E S T:


City Clerk

ORDINANCE NO. 3238

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

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

SECTION 1: The following described real estate situate in
Anderson County, Kansas, to-wit:

A tract beginning at the Northeast Corner of the South
Half (S/2) of the Northeast Quarter (NE/4) of the North-
west Quarter (NW/4) of Section Twenty-nine (29), Town-
ship Twenty (20) South, Range Twenty (20) East of the
Sixth Principal Meridian, thence West 580.8 feet, thence
South 300 feet, thence East 580.8 feet, thence North
300 feet to the place of beginning;

having met one or more of the classifications for annexation
described in K.S.A. 12-519, et seq., to-wit: Such land is adja-
cent to an existing boundary of the said City and the owners
thereof have petitioned for and consented to the annexation of
the same by the City of Garnett, Kansas, it is hereby annexed to
and made a part of the City of Garnett, Kansas.

SECTION 2: 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 September, 1997.

Janice L. Hodges
Mayor

A T T E S T:

Jayce E. Martin
City Clerk

ORDINANCE NO. 3239

AN ORDINANCE GRANTING ASTRO CAP WEST, INC. A TAX EXEMPTION PURSUANT TO SECTION 13 OF ARTICLE 11 OF THE KANSAS STATE CONSTITUTION, K.S.A. 79-251 AND RESOLUTION NO. 3/12/96-1.

WHEREAS, the City of Garnett, Kansas is a city of the second class organized under the statutes of the state of Kansas with the authority under Section 13 of Article 11 of the Kansas State Constitution to grant exemptions from ad valorem taxation subject to the requirements of K.S.A. 79-251; and

WHEREAS, the City of Garnett, Kansas has adopted policies and procedures in Resolution No. 3/12/96-1 in conformity with the requirements of K.S.A. 79-251; and

WHEREAS, Astro Cap West, Inc. has filed an application with the City of Garnett, Kansas requesting a tax exemption and ad valorem taxes upon real and tangible personal property for a 10 year period ranging from 100% in the first year and declining to 10% in the tenth year, and the Garnett City Commission held a public hearing on said request September 23, 1997; and

WHEREAS, the Garnett City Commission has found:

(1.) That even with the requested abatement, the economic benefit created will result in a "pay back" of taxes abated as follows, to-wit:

City:	9 years
County:	4 years
School District:	7 years
State of Kansas:	1 year

(2.) That with respect to the abatement requested for tangible personal property the abatement requested is required to retain jobs and also will facilitate expansion of jobs.

(3.) That the economic benefit of granting the requested abatement exceeds the costs of such abatement to all units of government involved.

(4.) That the Garnett City Commission has previously allowed the applicant a tax exemption of 100% for said real and tangible personal property for the year beginning January 1, 1996; and

WHEREAS, the Garnett City Commission does now find that if the requested abatement is allowed for the remainder of the original 10-year period set out in Ordinance No. 3196, the economic benefit created will result in a "pay back" of taxes abated as follows, to-wit:

City:	9 years beginning January 1, 1996;
County:	4 years beginning January 1, 1996;
School District:	7 years beginning January 1, 1996;
State of Kansas:	(already paid back in first year)

and;

(5.) With respect to the abatement requested for tangible personal property such abatement is required to retain jobs and will also facilitate continued expansion of jobs; and,

(6.) The economic benefit of continuing to grant the requested abatement exceeds the costs of such continued abatement to all units of government involved which have not already been paid back.

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

Section 1.: Astro Cap West, Inc. shall be granted a tax exemption for the ad valorem taxes levied and assessed against Lot 10, Maggio Addition to the City of Garnett, including the 52,000 square feet and 10,000 square feet buildings thereon, and machinery and equipment and motor vehicles owned and listed for taxation as of January 1, 1997, being Year 2 in the original 10-year abatement period as previously allowed as follows:

Year 1:	100%
Year 2:	100%
Year 3:	100%
Year 4:	90%
Year 5:	80%
Year 6:	70%
Year 7:	60%
Year 8:	40%
Year 9:	20%
Year 10:	10%

Said exemption shall be effective upon approval of the Kansas Board of Tax Appeals.

Section 2: The tax exemption granted to Astro Cap West, Inc. by Ordinance No. 3196 for year 1997, and as continued in this Ordinance shall be subject to approval by the Kansas Board of Tax Appeals; and such exemption's continuation shall also be subject to annual review by this commission for compliance with its economic development policies and criteria as established in Resolution No. 3/12/96-1.

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

PASSED this 23RD day of SEPT., 1997.

James L. Hodges
Mayor

ATTEST:

Joyce E. Martin
City Clerk

ORDINANCE NO. 3242

AN ORDINANCE AMENDING TITLE 6, CHAPTER 2, SECTIONS 3 AND 4 OF THE MUNICIPAL CODE, INCREASING ANNUAL REGISTRATION FEES FOR DOGS; REPEALING EXISTING SECTIONS AS THE SAME PRESENTLY EXIST; PROVIDING EFFECTIVE DATE

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

SECTION 1: Title 6, Chapter 2, Section 3 of the Municipal Code is hereby amended to read as follows:

6-2-3: REGISTRATION FEES: Between January 1 and before March 1 of each year the dog owner shall register all dogs owned by him at the office of the City Clerk and shall pay the following fees:

- (A) The City Clerk shall collect a registration fee of five dollars (\$5.00) for each neutered or sexually altered dog whose owners reside within the corporate limits of the City; provided that all dogs belonging to the same household shall be registered in the name of the head of such household.
- (B) The City Clerk shall collect a registration fee of ten dollars (\$10.00) for each dog which has not been neutered or sexually altered and whose owners reside within the corporate limits of the City; provided that all dogs which have not been neutered or sexually altered belonging to the same household shall be registered in the name of the head of such household. It shall be presumed that any dog is in a natural state unless and until the owner thereof shall present satisfactory evidence to the contrary in the form of a certified statement of a licensed veterinarian or by a statement of the owner verified under oath by affidavit. Such evidence may be permanently entered or filed in the City Clerk's registration books.

SECTION 2: Title 6, Chapter 2, Section 4 of the Municipal Code is hereby amended to read as follows:

6-2-4: LATE REGISTRATION FEES: EXCEPTIONS: On and after March 1 of each year the City Clerk shall collect a registration fee twice the amount provided in Section 6-2-3; provided, however, new residents of the City or person acquiring a dog or owning a dog which attains the age of registration after January 1 of any year shall have ten (10) days from such date of residency, acquisition, or attainment of age to register such dog at the fee set forth in Section 6-2-3; otherwise the registration fees in this Section shall apply.

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SECTION 3: Title 6, Chapter 2, Sections 3 and 4 of the Municipal Code, as the same presently exist, are hereby repealed.

SECTION 4: This Ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas; provided, however, the increased registration fees provided herein shall be effective for registration periods commencing after December 31, 1997.

PASSED This 10th day of November, 1997.

James L. Hodgson
Mayor

A T T E S T:

James E. Martin
City Clerk

AN ORDINANCE INCREASING THE ANNUAL REGISTRATION FEE FOR CATS, AMENDING TITLE 6, CHAPTER 11, SECTION 3 OF THE MUNICIPAL CODE; REPEALING EXISTING SECTIONS AS THE SAME PRESENTLY EXIST; AND PROVIDING EFFECTIVE DATE

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

SECTION 1: Title 6, Chapter 11, Section 3 of the Municipal Code is hereby amended to read as follows:

6-11-3: REGISTRATION FEES: Between January 1 and before March 1 of each year, the cat owner shall register all cats owned by him at the office of the City Clerk and shall pay the following fees:

- (A) The City Clerk shall collect a registration fee of five dollars (\$5.00) for each neutered or sexually altered cat whose owners reside within the corporate limits of the City; provided, that all cats belonging to the same household shall be registered in the name of the head of such household.
- (B) The City Clerk shall collect a registration fee of ten dollars (\$10.00) for each cat which has not been neutered or sexually altered and whose owners reside within the corporate limits of the City; provided, that all cats which have not been neutered or sexually altered and which belong to the same household shall be registered in the name of the head of the household. It shall be presumed that any cat in in a natural state and has not been neutered or sexually altered unless and until the owner thereof shall present satisfactory evidence to the contrary in the form of certified statement of a licensed veterinarian or a statement of the owner verified under oath by affidavit. Such evidence may be permanently entered or filed in the City Clerk's registration books.

SECTION 2: Title 6, Chapter 11, 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 from and after its passage and publication in an official newspaper of the City of Garnett, Kansas; provided, however, the increased registration fees provided herein shall be effective for registration periods commencing after December 31, 1997.

PASSED This 10th day of November, 1997.

A T T E S T:

James L. Hodgson
Mayor

Joyce E. Martin
City Clerk

ORDINANCE NO. 3244

ORDINANCE AUTHORIZING THE CITY OF GARNETT TO ENTER INTO A FIRST AMENDMENT TO THE LOAN AGREEMENT WITH THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT, FOR THE PURPOSE OF OBTAINING A LOAN INCREASE FROM THE STATE TO PAY A PORTION OF THE COSTS OF A WASTEWATER TREATMENT WORKS PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF SUCH LOAN AMENDMENT; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AMENDMENT AND THE LOAN EVIDENCED THEREBY.

WHEREAS, The City of Garnett (the "Municipality"), is a municipal corporation duly created and validly existing under the laws of the State of Kansas; and

WHEREAS, pursuant to the provisions of K.S.A. (1988 Supp.) 65-3321 to 65-3329, inclusive (the "Act"), the Municipality has submitted a revised application to the Secretary of the Kansas Department of Health and Environment ("KDHE"), to obtain a loan increase from the Kansas Water Pollution Control Revolving Fund established by the Act in order to provide funds to acquire, construct, improve, repair, rehabilitate or extend the Municipality's wastewater treatment system by replacement of approximately 39 manholes and 14,000 feet of sewer collection pipes within the area served by the South Treatment Facility (the "Project"); and

WHEREAS, the Municipality has taken all steps necessary and complied with all requirements of the Act and the provisions of K.A.R. 28-16-110 through 28-16-138 applicable thereto necessary to qualify for the hereinafter described Loan Amendment; and

WHEREAS, KDHE has approved a Loan Amendment for the Project to the Municipality in an amount not to exceed Three Hundred Eighty Four Thousand Three Hundred Eighty Nine Dollars (\$384,389) (the "Loan Amendment"); and

WHEREAS, the governing body of the Municipality hereby finds and determines that it is necessary and desirable in connection with the Loan that the Municipality enter into the First Amendment to the Loan Agreement and certain other documents, and that the Municipality take certain other actions, including the establishment of a dedicated source of revenues for repayment of the Loan, 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 and Approval of the First Amendment to the Loan Agreement. The governing body hereby approves, in substantially the form presented to and reviewed by it at this meeting (copies of which shall be filed in the records of the Municipality), that the First Amendment to the Loan Agreement dated as of October 27,

1997 (the "Loan Amendment"), between KDHE, acting on behalf of the State of Kansas, and the Municipality, pursuant to which KDHE will make the Loan Amendment to the Municipality to provide funds to acquire, construct, improve, repair, rehabilitate or extend the Project, in consideration of Loan Repayments and Additional Repayments as set forth therein. The Municipality is hereby authorized to enter into the First Amendment to the Loan Agreement which such changes therein as shall be approved by the officers of the Municipality executing such Loan Amendment, such officers' signatures thereon being conclusive evidence of their approval thereof.

Section 2. Establishment of Dedicated Source of Revenue for Repayment of Loan. Pursuant to the Act, the Municipality hereby establishes a dedicated source of revenue for repayment of the Loan. The Municipality may fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the Municipality's Wastewater Treatment System, including all improvements and additions thereto hereafter constructed or acquired by the Municipality, as will provide revenues sufficient to (i) pay the cost of the operation and maintenance of the Wastewater Treatment System, (ii) pay the principal of and interest on the Loan as and when the same become due, and (iii) pay all other amounts due at any time under the Loan Agreement. In addition to , or in lieu of the foregoing, the Municipality hereby pledges its full faith, credit and resources for the prompt payment of all amounts becoming due at any time under the Loan Agreement, and the Loan shall be a general obligation of the Municipality payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real or personal, within the territorial limits of the Municipality. To the extent the rates, fees and charges established by the Municipality as described above are insufficient to pay the principal of and interest on the Loan, together with all other amounts becoming due at any time under the Loan Agreement, the Municipality shall levy upon all of the taxable tangible property within the Municipality a direct annual tax sufficient to produce the amounts necessary for the prompt payment of such amounts as the same become due and payable. Pursuant to the Act, the amount of the Loan shall not be included within any limitation on the bonded indebtedness of the Municipality.

Section 3. Further Authority. The Municipality shall, and the officers, agents and employees of the Municipality are hereby authorized and directed to, take such further action, 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 the intent of this Ordinance, and to carry out, comply with and perform the duties of the Municipality with respect to the First Amendment to the Loan Agreement.

Section 4. Effective Date. This Ordinance shall take effect and

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be in full force from and after its passage by the governing body of the Municipality and publication once in the official newspaper of the Municipality.

PASSED by the governing body of the Municipality and approved by the Mayor this 25th day of November, 1997.

Jamie L. Hedgson
Mayor

(SEAL)

Attest:

Joyce E. Martin
City Clerk

Ordinance No. 3245

AN ORDINANCE AMENDING TITLE 6, CHAPTER 2A OF THE MUNICIPAL CODE REGULATING THE KEEPING OF CERTAIN DOGS; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER.

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

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

Section 1. Definitions. All terms defined in Title 6, Chapter 2, Section 1 of this code shall have the same meaning as and when used in this chapter. In addition the following terms shall mean:

- (A) "Pit bull dog" is defined to mean
 - (i) The Staffordshire Bull Terrier breed of dog;
 - (ii) The American Pit Bull Terrier breed of dog;
 - (iii) The American Staffordshire Terrier breed of dog;
 - (iv) Any dog which has the appearance of being predominately of the breeds of Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, or a combination of any of those breeds.

- (B) "Rottweiler" is defined to mean the Rottweiler breed of dog or any dog which has the appearance of being predominately of that breed.

- (C) "Aggressive Dog" shall mean any pit bull dog or any rottweiler, as the same are defined in the preceding sub-parts of this section, and any dog which, according to the records of the appropriate authority,
 - (i) has inflicted severe injury on a human being without provocation on public or private property; or
 - (ii) has killed a domestic animal without provocation while off the owner's property.

- (D) "Severe Injury" means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery to treat

or correct.

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

Section 2. **Keeping of Registered Aggressive Dogs.** No person shall own, keep, possess or harbor an Aggressive Dog as the term is defined in Section 1 of this chapter except as provided in, and subject to the, standards and requirements of Section 3 of this chapter.

Section 3. Title 6, Chapter 2A, Section 3 of the Municipal Code is hereby amended to read as follows:

Section 3. **Restrictions.** The keeping of Aggressive Dogs within the City of Garnett shall be subject to the following standards, in addition to all generally applicable laws of the state of Kansas and the Municipal Code of the City of Garnett:

- (A) **Leash and Muzzle.** No person shall permit a registered Aggressive Dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit an Aggressive Dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all Aggressive Dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- (B) **Confinement.** All registered Aggressive Dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered Aggressive Dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground not less than two feet. All structures erected to house Aggressive Dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted with natural light and

ventilated and kept in a clean and sanitary condition. The city manager is hereby authorized to promulgate further rules and regulations consistent with this sub-part and with current and accepted veterinary practices regarding such structures which shall be effective upon publication in an official newspaper of the city of Garnett, Kansas. Violation of any rules or regulations thus promulgated shall be considered the same as a violation of the express terms of this ordinance.

- (C) **Confinement Indoors.** No Aggressive Dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
- (D) **Signs.** All owners, keepers or harborers of registered Aggressive Dogs within the City shall within 10 days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- (E) **Insurance.** All owners, keepers or harborers of registered Aggressive Dogs must within 10 days of the effective date of this ordinance provide proof to the Garnett City Clerk of public liability insurance in a single incident amount of not less than \$50,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall be written so as to provide that no cancellation of the policy will be made unless 10 days written notice is first given to the Garnett City Clerk.
- (F) **Identification Photographs.** All owners, keepers or harborers of registered Aggressive Dogs must within 10 days of the effective date of this ordinance provide to the City Clerk two color photographs of the registered animal clearly showing the color and approximate size of the

animal.

- (G) **Reporting Requirements.** All owners, keepers or harborers of registered Aggressive Dogs must, within 10 days of the incident, report the following information in writing to the Garnett City Clerk:
- (i) The removal from the City or death of a registered Aggressive Dog;
 - (ii) The birth of offspring of a registered Aggressive Dog;
 - (iii) The new address of the owner of a registered Aggressive Dog owner should the owner move within the corporate city limits or otherwise have his or her address changed.
- (H) **Sale or Transfer of Ownership Restricted.** No person shall sell, barter or in any other way dispose of an Aggressive Dog registered with the City to any person within the City without giving written notice to the City Clerk within 10 days of such transaction, identifying in such notice the name and address of the transferee and giving a physical description of the dog sold, bartered or otherwise disposed of.
- (I) **Irrebuttable Presumptions.** There is hereby created an irrebuttable presumption that any dog registered with the City as an Aggressive Dog is in fact a dog subject to the requirements of this chapter.
- (J) **Failure to Comply.** It shall be unlawful for the owner, keeper or harborer of an Aggressive Dog registered with the City of Garnett to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment.

Section 4. Title 6, Chapter 2A, Section 4 of the Municipal Code is hereby amended to read as follows:

Section 4. **Violations and Penalties.** Any person convicted of violating or permitting the violation of any provision of this chapter shall be fined a sum not less than \$200.00 and not more than \$1,000.00 or shall be sentenced to imprisonment in the Anderson county jail for a period not to exceed 30 days; or by both such fine and imprisonment. In addition, the court

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may, and upon a second or subsequent conviction of the defendant in five years last past, shall order the registration of the subject Aggressive Dog revoked and the dog removed from the City. Should the defendant refuse to remove the dog from the City, the judge of the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment, or destruction, of the animal. Each day that a violation of this chapter continues shall be deemed a separate offense. The court shall in the event of any conviction of a violation of this chapter, tax as costs of the case all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter.

Section 5. Severability. If any section, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

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


Section 7. Effective Date. 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 November, 1997.



Mayor

ATTEST:



City Clerk

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 21 OF THE MUNICIPAL CODE FOR CAMPING AT THE CITY PARKS; REPEALING THE EXISTING PROVISIONS OF TITLE 9, CHAPTER 5, SECTION 21.

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

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

9-5-21: CAMPING IN CITY PARKS:

(A) Camping shall be permitted only in designated areas and camping in any other area is declared to be a misdemeanor. The city commission may, upon written request, permit camping in other locations upon such terms and conditions as shall be specified by the commission either in a written resolution approving the same or in a written contract. Anyone camping under the authority of such a resolution or contract shall have a copy of that document in their possession at all times and shall display such copy to any city police officer upon request.

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

Overnight camping (per unit/per night)	\$ 2.00
Overnight camping (per unit/per night) w/electric hook-up	5.00
Overnight camping (per unit/per night) w/electric and water hook-ups	6.00

Payment of the above fees shall be made to the city clerk at city hall during normal business hours; and after hours may be paid either to the police dispatcher at city hall (west-side entrance), or may be paid to any city police officer. Upon payment of the appropriate fee a distinctive sticker shall be issued by the city clerk which shall be displayed in the windshield of the towing vehicle, or if a motor home, then in the windshield thereof.

(C) Definition: For the purpose of this section, the term "camping unit" shall mean one (1) camping vehicle, tent, device, or other structure in which one or more persons sleep and which is occupied by a person or group of people who live together in the same residence and have the same residential address. If such group of people is what is commonly known as a family (a group of people headed by an adult, parent, or legal guardian, and he or she is actually present at the campsite, together with minor, dependent children) then multiple camping units shall be permitted for a single camping unit fee so long as such group of camping units does not occupy more than one campsite space.

(D) All persons camping shall observe the following rules:

1. No camping unit shall stay at one campsite for more than seven (7) consecutive days, and upon completion of any camping period in excess of five (5) days, the camping unit shall not be re-admitted to that park until three (3) additional days shall have elapsed following its departure.
2. No trailer or other camping conveyance or any camping equipment shall be left unattended for a period exceeding twenty-four (24) hours.
3. All park rules and regulations shall be observed and the failure to observe the same may form the basis for revoking the camping permit issued under this section.
4. No camping permit shall be issued to any person under eighteen (18) years of age, nor shall any camping unit be permitted to remain at a campsite unless some person eighteen (18) years of age or older is available and responsible for it.

SECTION 2: Title 9, Chapter 5, Section 21 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.

PASSED this 9th day of December, 1997.

Janice S. Holzman
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 3250

AN ORDINANCE AMENDING TITLE 4, CHAPTER 7, SECTION 8 OF THE MUNICIPAL CODE DEALING WITH APPLICATIONS FOR UTILITY SERVICES; AMENDING DEFINITION OF CUSTOMER; REPEALING EXISTING SECTION

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

SECTION 1: Title 4, Chapter 7, Section 8 of the Municipal Code is hereby amended to read as follows:

4-7-8: APPLICATION FOR UTILITY SERVICES; DEFINITION OF CUSTOMER:

- (A) No utility service of any class or type shall be commenced by the City for any customer until the customer has made written application to the City for such services, and such application is approved by the City Manager or his delegate. The application shall be made on forms provided by the City. The City Manager is hereby authorized to and he shall prescribe the form of the application and shall see that at all times an adequate supply is maintained. Such application shall include, but shall not be limited to questions to determine customer's previous residential address, the length of time at such address, the names and addresses of suppliers of utilities to such residential address, the customer's Social Security number, date of birth, and motor vehicle operator's or chauffeur's license number, and the state issuing the same.
- (B) For purposes of this Section the term "customer" means either a person being supplied with or applying for utility services who is:
1. Eighteen (18) years of age or older, or otherwise legally competent to make a binding and enforceable contract; and
 2. Either:
 - (a) The owner of; or
 - (b) The tenant responsible for payment of the rent or lease installments to the owner (and who is not merely a roomer or boarder) of the premises to which such utility services are to be supplied.
- (C) No application shall be approved if the customer, the customer's spouse, or a person of the opposite sex occupying the same living quarters as the customer owes any sum to the City for any class or type of utility services which said sum is delinquent.

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SECTION 2: Title 4, Chapter 7, Section 8 of the Municipal Code, as the same presently exists, is hereby repealed.

SECTION 3: This Ordinance shall take effect from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED This 13th day of January, 1998.

Mayor

Javier L. Hodgson

A T T E S T:

City Clerk

Jerry E. Martin

ORDINANCE NO. 3251

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 21 OF THE MUNICIPAL CODE REGULATING CAMPING IN CITY PARKS; 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 21 of the Municipal Code is hereby amended to read as follows:

9-5-21: CAMPING IN CITY PARKS:

- (A) Camping shall be permitted only in designated areas, and camping in any other area is declared to be a misdemeanor. The City Commission may, upon written request, permit camping in other locations upon such terms and conditions as shall be specified by the Commission either in a written resolution approving the same or in a written contract. Anyone camping under the authority of such a resolution or contract shall have a copy of that document in their possession at all times and shall display such copy to any City Police officer or park ranger.
- (B) 1. Definition: For purposes of this section, the term "camping unit" may include more than one vehicle, tent, device, or other structure, provided such do not together occupy more than one campsite space; and provided further that such multiple components shall be occupied by a group of people who live together in the same residence and have the same residential address.
2. Payment of the fees required for each camping unit by this section shall be made to the City Clerk at City Hall during normal business hours; and after hours may be paid either to the police dispatcher at City Hall (side of building, west entrance), or may be paid to any City Police officer or park ranger. Upon payment of the appropriate fee a distinctive sticker shall be issued by the City Clerk which shall be displayed in the windshield of the towing vehicle, or if a motor home, then on the windshield thereof.
- (C) The following fees shall be paid for each camping unit, as hereinafter defined:

Overnight camping (per unit/per night)	\$ 5.00
Overnight camping (per unit/per night) w/electric hookup	7.00
Overnight camping (per unit/per night) w/electric hookup and water	9.00

(D) All persons camping shall observe the following rules:

1. No camping unit shall stay at one camp site for more than seven (7) consecutive days, and upon completion of any camping period in excess of five (5) days, the camping unit shall not be re-admitted to that park until five (5) additional days shall have elapsed following its departure.
2. No trailer or other camping conveyance or any camping equipment shall be left unattended for a period exceeding twenty-four (24) hours.
3. All park rules and regulations shall be observed and the failure to observe the same may form the basis for revoking the camping permit issued under this Section.
4. No camping permit shall be issued to any person under eighteen (18) years of age, nor shall any camping unit be permitted to remain at a camp-site unless some person eighteen (18) years of age or older is available and responsible for it.

SECTION 2: Title 9, Chapter 5, Section 21 of the Municipal Code, as the same presently exists, is hereby repealed.

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

PASSED This 27th day of January, 1998.

James L. Hedgson
Mayor

A T T E S T:

City Clerk

Ordinance No. 3253

AN ORDINANCE AMENDING TITLE 6, CHAPTER 2A, SECTIONS 3(A), 3(B), 3(C), AND 3(D) OF THE MUNICIPAL CODE REGULATING THE KEEPING OF CERTAIN DOGS; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER.

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

Section 1. Title 6, Chapter 2A, Section 3(A) of the Municipal Code is hereby amended to read as follows:

- (A) **Leash Required.** No person shall permit a registered Aggressive Dog to go outside of its confinement area unless such dog is securely leashed with a leash no longer than four feet in length affixed to a substantial harness. No person shall permit an Aggressive Dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc.

Section 2. Title 6, Chapter 2A, Section 3(B) of the Municipal Code is hereby amended to read as follows:

- (B) **Confinement in Certain Area Required.** All registered Aggressive Dogs shall be securely confined either indoors or out of doors; and if out of doors, (1) within a fenced area of the yard or (2) in a securely enclosed and locked pen or kennel as specified in this sub-part; except when leashed as above provided.

Section 3. Title 6, Chapter 2A, Section 3(C) of the Municipal Code is hereby amended to read as follows:

- (C) **Confinement Indoors.** No Aggressive Dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. Such animal shall not be considered to be confined in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

Section 4. Title 6, Chapter 2A, Section 3(D) of the Municipal Code is hereby amended to read as follows:

(D) **Confinement Out of Doors.** (1) Fences intended as the sole means of enclosure for Aggressive Dogs shall be at least four (4) feet in height, securely constructed and adequate for the purpose, kept in good repair and shall not be allowed to become unsightly; provided, however, no Aggressive Dog shall be kept in such a fenced area if any utility meter is within such fenced area. Pens, kennels or other structures intended to house Aggressive Dogs must (a) have secure sides and a secure top attached to the sides; (b) be locked with a key or combination lock when such animals are within the structure; (c) have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground not less than two feet; (d) be adequately lighted with natural light and ventilated and kept in a clean and sanitary condition. In addition, the city manager is hereby authorized to promulgate further rules and regulations consistent with this sub-part and with current, accepted veterinary practices regarding such structures which shall be effective upon publication in an official newspaper of the city of Garnett, Kansas. Violation of any rules or regulations thus promulgated shall be considered the same as a violation of the express terms of this ordinance. All structures erected to house Aggressive Dogs must comply with all zoning and building regulations of the City.

(2) If any owner or keeper is attempting to confine his or her Aggressive Dog with a fence alone, the escape of such dog therefrom shall create a rebuttable presumption that such means of confinement is inadequate, in which case the owner shall thereafter be required to confine the said dog by means of a pen, kennel or other structure meeting all of the requirements of this sub-part. Such compliance shall be achieved in accordance with a time schedule established by the judge of the Municipal Court of the City of Garnett, Kansas; but in no case shall such compliance period be fixed at more than 30 days from the date of the judge's order of compliance.

Section 5. Exception. The provisions of Title 6, Chapter 2A of the Municipal Code shall not apply to the keeping of Aggressive Dogs in or at a clinic, hospital or other facility for the care, treatment or boarding operated by or under the direct supervision of a licensed veterinarian.

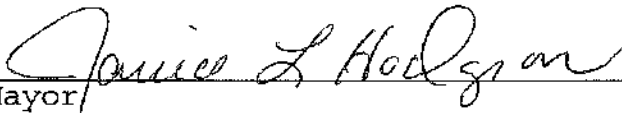
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Section 6. **Severability.** If any section, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 7. **Repeal.** Title 6, Chapter 2A, Sections 3(A), 3(B), 3(C), and 3(D) as the same presently exist (including the recent amendments thereto by Ordinance 3245) are hereby repealed.

Section 8. **Effective Date.** 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 10th day of February, 1998.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3255

**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;

WHEREAS, the following described land meets one or more of the conditions prescribed by K.S.A. 12-520(a)(1-6); 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:**

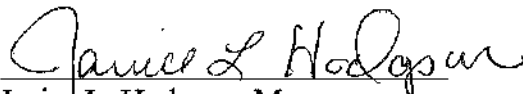
Section 1. The following described land, meeting the conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed to and made a part of the City of Garnett, Kansas:

Beginning at the Northeast corner of Lot 7 of Maplewood Addition to the City of Garnett, Kansas; thence East 1557 feet, more or less, to the East right-of-way line of the A.T. & S.F. Railroad (now abandoned); thence Southeasterly 1654 feet, more or less, along said right-of-way to the North line of County Road (Park Road), said point being 40 feet North of the South line of said Southwest Quarter; thence West 103.4 feet, more or less, along the North line of Park Road to the West line of said A.T. & S.F. Railroad right-of-way, said point being the Southeast corner of Lot 1, Block 3 of Bryson Addition to the City of Garnett, Kansas; thence Northwesterly along said right-of-way to the Northeast corner of Lot 2, Block 3 of said Bryson Addition; thence West 60.5 feet to the Southeast corner of Lot 1, Block 1 of McDonnell Addition to the City of Garnett; thence North 150.4 feet to the Northeast corner of Lot 1, Block 1 of said McDonnell Addition; thence West 133 feet to the Northwest corner of Lot 1, Block 1 of said McDonnell Addition; thence South 150.4 feet to the Southwest corner of Lot 1, Block 1 of said McDonnell Addition; thence West 656 feet; thence South 210 feet; thence West 235 feet; thence South 146 feet; thence West 375 feet; thence South 253 feet to the North line of County Road (Park Road); thence West 367 feet along said North line to the Southeast corner of Lot 1, Block 1 of Ellis Addition to the City of Garnett; thence North 153 feet along Lot 1, Block 1 of said Ellis Addition; thence East 100 feet along Lot 1, Block 1 of said Ellis Addition; thence North 100 feet along Lot 1, Block 1 of

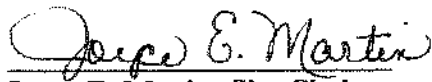
said Ellis Addition; thence West 125 feet along Lot 1, Block 1 of said Ellis Addition to the Southeast corner of Lot 1 of Maplewood Addition to the City of Garnett; thence North 265 feet along said Lot 1 of Maplewood Addition; thence East 392 feet; thence North 148 feet; thence West 5 feet, more or less; thence North 150 feet; thence West 205 feet to the Southeast corner of Lot 3 of Maplewood Addition; thence North 510 feet to the Northeast corner of Lot 6 of Maplewood Addition; thence West 15.5 feet to the Southeast corner of Lot 7 of Maplewood Addition; thence North 300 feet to the Northeast corner of said Lot 7 of Maplewood Addition, being the POINT OF BEGINNING, all being in the Southwest Quarter of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, Anderson County, Kansas.

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

PASSED by the Governing Body of the City of Garnett, Kansas this 24th day of February, 1998.


Janice L. Hodgson, Mayor

ATTEST:


Joyce E. Martin, City Clerk

ORDINANCE NO. 3257

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 that the zoning classification of the following described land situate in Anderson County, Kansas, to-wit:

Lots 6, 7, 8, 9 and 10, Block Four (4), Parkview Addition to the City of Garnett; also

Beginning at the northwest corner of Lot 6, Block 4 in Parkview Addition to City of Garnett; thence Southeasterly along the west side of said Block 4 to southwest corner of Lot 10 in said Block 4; thence East on south side of Lot 10 to southeast corner of said Lot 10; thence Southeasterly along the west side of Blocks 1, 2 and 3 of said Parkview Addition to southwest corner of Lot 1, Block 1, Parkview Addition; thence West to east line of the right-of-way of the Atchison, Topeka & Santa Fe Railroad; thence northwesterly along the east line of said right-of-way to the intersection of said right-of-way line with north section line of Section 30, Township 20, Range 20, Anderson County, Kansas; thence East on said section line to a point due north of said place of beginning; thence south to place of beginning, subject to the right-of-way of the street along north side of said tract; being a tract in the Northeast Quarter of Section 30, Township 20, Range 20, Anderson County, Kansas;

Except,

Beginning at the northwest corner of Lot Four (4), Block Two (2), Parkview Addition to the City of Garnett, running thence west to the east right-of-way line of the Atchison, Topeka and Santa Fe Railroad, thence south along said right-of-way to a point due west of the southwest corner of Lot One (1), Block One (1) in said Parkview Addition, thence east to the southwest corner of said Lot One (1) in Block One (1), thence north along the west side of Blocks One (1) and Two (2) in said Parkview Addition to the place of beginning, being in and part of the Northeast Quarter (NE/4) of Section Thirty (30), Township Twenty (20) South, Range Twenty (20) East of the 6th Principal Meridian;

Ordinance
Page 2

is hereby changed from R-3 Flexible Residential Dwelling District to R-3 Planned Development 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, 3 voting Aye; 0 voting Nay; and approved this 10th day of March, 1998.

James L. Holger
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 3259

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 that the zoning classification of the following described land situate in Anderson County, Kansas, to-wit:

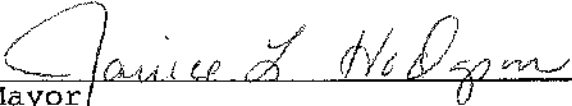
Lot One (1) in Block One (1) in Eastgate Addition to the City of Garnett, Anderson County, Kansas; and beginning at a point 296.5 feet east and 33 feet north of the Southwest Corner of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence North 140 feet, thence East 11.5 feet, thence South 140 feet, thence West 11.5 feet to the place of beginning; all being located in the City of Garnett, Anderson County, Kansas;

is hereby changed from R-2 Residential Medium Density District to O-I Office and Institutional 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, three voting Aye; none voting Nay; and approved this 24th day of March, 1998.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE AMENDING ORDINANCE 3059 OF THE CITY OF GARNETT, TO PROVIDE FOR AND ALLOW BARBER AND BEAUTY SHOPS AS SPECIAL-PERMITTED USES IN ZONES A-1 (AGRICULTURAL DISTRICT), R-S (RESIDENTIAL SUBURBAN DISTRICT), R-1, R-2, R-3 (ALL RESIDENTIAL DISTRICTS), AND MP (MANUFACTURED HOME PARK 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 barber and beauty shops as special-permitted uses in Zones A-1 (Agricultural District), R-S (Residential Suburban District), R-1, R-2, R-3 (All Residential Districts), and MP (Manufactured Home Park 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: Barber shops (GRP 72/SIC 724) and beauty shops (GRP 72/SIC 723) shall be allowed in Zones A-1 (Agricultural District), R-S (Residential Suburban District), R-1, R-2, R-3 (All Residential Districts), and MP (Manufactured Home Park 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.

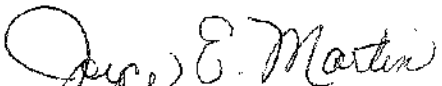
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

ADOPTED This 24th day of March, 1998.



Mayor

A T T E S T:



City Clerk

(Published in The Anderson County Review on April 13, 1998)

ORDINANCE NO. 3262

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$5,800,000 PRINCIPAL AMOUNT OF COMBINED UTILITY REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 1998, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF ALTERATIONS, REPAIRS, EXTENSIONS, ENLARGEMENTS AND IMPROVEMENTS TO THE COMBINED UTILITY SYSTEM OF THE CITY AND THE COST OF REFUNDING THE OUTSTANDING REVENUE BONDS OF THE COMBINED UTILITY SYSTEM; MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO; AND AMENDING ORDINANCE NO. 3020 OF THE CITY.

WHEREAS, the city of Garnett, Kansas (the "City"), is a municipal corporation duly created, organized and existing under the laws of the state of Kansas (the "State"); and

WHEREAS, the City is authorized under the provisions of the Act (as hereinafter defined), to issue and sell revenue bonds for the purpose of paying all or part of the cost of making alterations, repairs, extensions, enlargements and improvements to the Combined Utility System (as hereinafter defined), 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. 1/27/98-1 declared its intention under the Act to make alterations, repairs, extensions, enlargements and improvements to the Combined Utility System (the "Project") at an estimated cost of \$625,000 and to issue combined utility revenue bonds in an amount of not to exceed \$625,000; 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 City Clerk within 15 days after said publication date all as set forth in the Act; 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 City Clerk, the amount of said estimated cost being not less than \$542,000; and

WHEREAS, pursuant to the Act, the City has heretofore issued its Combined Utility Refunding and Improvement Revenue Bonds, Series 1992, dated August 1, 1992 (the "Series 1992 Bonds"), and there remains outstanding and unpaid \$5,470,000 principal amount of the Series 1992 Bonds; and

WHEREAS, it is found and determined that in order to create interest cost savings and to provide a more economical and efficient program for the retirement of the indebtedness of the Combined Utility System, it is desirable and necessary to refund and redeem a portion of the Series 1992 Bonds (the "Refunded Bonds") as follows:

<u>Principal Amount Outstanding</u>	<u>Amount to be Refunded</u>	<u>Redemption Premium</u>	<u>Maturities to be Refunded</u>	<u>Redemption Date</u>
\$5,470,000	\$4,795,000	\$47,950	10-01-02 through 10-1-17	10-1-01

WHEREAS, the City does not have outstanding any bonds or other obligations payable from the revenues derived by the City from the operation of the Combined Utility System, other than the Series 1992 Bonds; and

WHEREAS, the City hereby finds and determines that it is necessary to authorize the issuance of the Bonds (as hereinafter defined) for the purposes set forth herein; and

WHEREAS, it is necessary to amend Ordinance No. 3020 of the City adopted on July 30, 1992, authorizing the Refunding Bonds to cure an ambiguity.

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 the words and terms defined elsewhere in this Ordinance or the Resolution (hereinafter defined), the following words and terms as used in this Ordinance shall have the following meanings:

"Act" shall mean the Constitution and all applicable statutes of the State including but not limited to K.S.A. 10-116a and K.S.A. 10-1201 et seq., all as amended.

"Additional Bonds" shall mean any bonds hereinafter issued pursuant to Article IX of the Resolution.

"Bonds" means the City's Combined Utility Refunding and Improvement Revenue Bonds, Series 1998, dated April 1, 1998, in the aggregate principal amount of \$5,800,000 authorized and issued pursuant to this Ordinance.

"City" means the city of Garnett, Kansas.

"City Clerk" shall mean the duly appointed and acting City Clerk or, in the City Clerk's absence, the duly appointed Deputy City Clerk or Acting City Clerk of the City.

"Code" means the Internal Revenue Code of 1986, as amended, together with any regulations applicable thereto or promulgated thereunder by the United States Department of the Treasury.

"Combined Utility System" means the electric generating plants and all appurtenances thereto, the electric distribution system now serving the City and its inhabitants and others, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired by the City; the entire waterworks plant and sewage system owned and operated by the City for the production, storage, treatment and distribution of water and the collection and treatment 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; and the gas system owned and operated by the City for the distribution of 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.

"Current Expenses" means all necessary expenses of operation, maintenance and repair of the Combined Utility System, including, current maintenance charges, expenses of reasonable upkeep and

repairs, properly allocated share of charges for insurance, and all other expenses incident to the operation of the Combined Utility System, but shall exclude debt service payments on any bonds or other long-term obligations payable from the revenues of the Combined Utility System, depreciation, all general administrative expenses of the City not related to the operation of the Combined Utility System, and the payments into the Bond Reserve Account and Depreciation and Replacement Account provided for and defined in the Resolution.

"Net Revenues" means Gross Revenues less Current Expenses.

"Ordinance" means this ordinance as from time to time amended in accordance with the terms hereof.

"Parity Bonds" means the Bonds, the Series 1992 Bonds and any bonds hereinafter issued pursuant to Sections 902 or 904 of the Resolution.

"Project" means the alterations, repairs, extensions, enlargements and improvements to be made to the Combined Utility System described in Resolution No. 1/27/98-1 of the City and referred to in the Preamble to this Ordinance.

"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.

"Refunded Bonds" means the Series 1992 Bonds in the aggregate principal amount of \$4,795,000 maturing October 1, 2002, through October 1, 2017.

"Series 1992 Bonds" means the Combined Utility System Refunding Revenue Bonds, Series 1992, of the City.

"Series 1992 Ordinance" means, collectively, Ordinance No. 3020 and Resolution No. 7/30/92-1 of the City, both adopted on July 30, 1992, with respect to the issuance of the Series 1992 Bonds.

"State" means the state of Kansas.

Section 2. Authorization of the Bonds. There shall be issued and are hereby authorized and directed to be issued the Bonds of the City in the principal amount of \$5,800,000 for the purpose of providing funds to pay the costs of the Project and refunding and redeeming the Refunded Bonds as provided in this Ordinance.

Section 3. Security for the Bonds. The 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. The taxing power of the City is not pledged to the payment of the Bonds either as to principal or interest. The 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.

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 Resolution hereinafter adopted by the governing body of the City.

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 Combined Utility System, including all alterations, repairs, extensions, enlargements and improvements thereto hereafter constructed or acquired by the City, as will produce revenues sufficient to (a) pay the cost of the operation and maintenance of the Combined Utility System; (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 Bonds and the interest thereon and for the protection and benefit of the Combined Utility System of the City as provided in this Ordinance and the Resolution.

Section 6. Tax Covenants.

(a) The City covenants that (1) 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 Bonds, and (2) 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.

(b) The City covenants that (1) it will use the proceeds of the Bonds as soon as practicable for the purposes for which the Bonds are issued, and (2) it will not invest or directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City in any manner, or take or omit to take any action, that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code.

(c) The City covenants that it will pay or provide for the payment from time to time of all rebatable arbitrage to the United States pursuant to Section 148(f) of the Code and the Arbitrage Instructions. This covenant shall survive payment in full or defeasance of the Bonds. The Arbitrage Instructions may be amended or replaced if, in the opinion of Bond Counsel, such amendment or replacement will not adversely affect the exclusion from federal gross income of the interest on the Bonds.

(d) The City covenants that it will not use any portion of the proceeds of the Bonds, including any investment income earned on such proceeds, directly or indirectly, (1) in a manner that would cause any Bond to be a "private activity bond" within the meaning of Section 141(a) of the Code, or (2) to make or finance a loan to any Person.

Section 7. Amendment of Ordinance No. 3020. Ordinance No. 3020 of the City adopted on July 30, 1992, is hereby amended to cure an ambiguity by deleting the definition of "Bonds" set forth in Section 1 of said Ordinance and inserting in lieu thereof the following:

"Bonds" means the City's Combined Utility Refunding and Improvement Revenue Bonds, Series 1992, dated August 1, 1992, in the aggregate principal amount of \$6,430,000 authorized and issued pursuant to this Ordinance.

Section 8. Further Authority. The Mayor, City Clerk and other City officials are authorized and directed to execute such documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance.

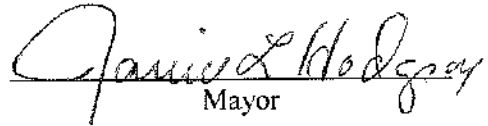
Section 9. Governing Law. The Ordinance and the Bonds shall be governed by and construed in accordance with the applicable laws of the State.

Section 10. 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 newspaper of the City.

PASSED by the governing body of the City on April 2, 1998.

(SEAL)

ATTEST:


Mayor


City Clerk

ORDINANCE NO. 3264

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 \$2,978.67 incurred through December 31, 1997 are hereby deleted from the City's accounting records.

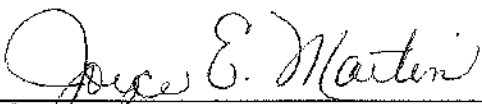
Section 2. That this Ordinance shall take effect from and after its publication in the official City newspaper.

PASSED and APPROVED this 28th day of April, 1998.



Mayor

Attest:



City Clerk

<u>Name</u>	<u>\$ Amount</u>
Mary Ashburn	\$ 98.90
Ted Ashburn	112.01
Sheila Castleberry	112.86
Derek A. Clinton	27.44
Bernard Cormier	73.75
Stacey J. Fagg	99.21
Cristal Headrick	105.30
Brenda L. McAfee	289.89
Teddi M. McAfee	459.08
Waneta Prince/Bill Garland	201.16
Charles Richmond	153.42
Patrick J. Small	22.02
Kimberly Sorensen	99.27
Nancy A. Steadman	370.68
Jay and Kathy Young	191.08
Patti Young dba Home Health Unlimited	539.08
Patti Young dba Home Health Services	23.52
Total	\$2,978.67

SERIES 1998

ORDINANCE NO. 3265

AN ORDINANCE AUTHORIZING THE ISSUANCE AND DELIVERY OF \$710,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING AND IMPROVEMENT BONDS, SERIES 1998, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING GENERAL OBLIGATION BONDS AND PAYING THE COST OF CERTAIN IMPROVEMENTS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

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

WHEREAS, pursuant to K.S.A. 10-101 et seq. and K.S.A. 12-1736 et seq., all as amended and supplemented, and all other applicable provisions of the laws of the state of Kansas, the governing body of the City has caused the construction of a new fire station to be undertaken in the City (such improvements and any Substitute Improvements as defined in the Resolution to be referred to as the "Improvements").

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 is at least \$260,000, to be paid 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, the City has heretofore issued and has outstanding the following series of general obligation bonds:

<u>Series of Bonds</u>	<u>Principal Amount Outstanding</u>	<u>Principal Amount to be Refunded</u>	<u>Maturities to be Refunded</u>	<u>Principal Amount to be Redeemed</u>	<u>Redemption Date</u>
1990	\$520,000	\$425,000	10-1-99 through 10-1-02	\$425,000	10-1-98

WHEREAS, the City desires to refund the principal amount of said outstanding bonds identified in the previous recital (the "Refunded Bonds"), and the City is authorized under the provisions of Kansas law, including K.S.A. 10-427 et seq., to refund, extend and unify the whole or part of its valid general obligation indebtedness; and

WHEREAS, the governing body of the City hereby finds and determines it is necessary for the City to authorize the issuance and delivery of its general obligation bonds in the principal amount of \$710,000 to pay the costs of the Improvements and 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.

"Act" means the Constitution and all applicable statutes of the State including but not limited to K.S.A. 10-101 et seq. and K.S.A. 12-1736 et seq., all as amended and supplemented.

"Authorized Cost" means the amount of expenditure for an Improvement which has been authorized to be paid by the City by a resolution or ordinance of the City, less (1) the amount of any notes or bonds of the City which are currently outstanding and available to pay the Authorized Cost, and (2) any Authorized Cost which have been previously paid by the City or by any eligible source of funds unless such amounts are entitled to be reimbursed under State and federal law.

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

"Bonds" means the General Obligation Refunding and Improvement Bonds, Series 1998 authorized by this Ordinance in the aggregate principal amount of \$710,000 and dated May 1, 1998.

"City" means the city of Garnett, Kansas.

"City Clerk" means the appointed and acting City Clerk or, in the City Clerk's absence, the appointed and/or elected Deputy or Acting City Clerk of the City.

"Code" means the Internal Revenue Code of 1986, as amended.

"Improvements" means the improvements referred to in the preamble to this Ordinance or any Substitute Improvement.

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

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

"Refunded Bonds" means the outstanding general obligation bonds of the City referred to in the recitals of this Ordinance.

"State" means the state of Kansas.

"Substitute Improvement" means any improvement or addition in the City which has been authorized by a resolution or ordinance of the City to be in place of or in addition to the improvements set forth in the preamble to this Ordinance.

Section 2. Authorization and Security for the Bonds. These Bonds shall be issued for the purpose of providing funds to pay the Authorized Costs of the Improvements and to refund the Refunded Bonds.

The Bonds shall be general obligations of the City payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property,

real and personal, within the territorial limits of the City. The full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 3. 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 hereinafter adopted by the governing body of the City.

Section 4. 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 referred to above shall be spread upon the tax rolls 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, and the proceeds derived from the taxes shall be deposited in the Bond and Interest Fund.

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

Section 5. Tax Covenants. The City covenants that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion of the interest on the Bonds from gross income for federal income tax purposes. The City covenants that it will use the proceeds of the Bonds as soon as practicable for the purpose for which the Bonds are issued as set forth in this Ordinance, and that it will not directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City, or take or omit to take any action that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code. To that end, the City will comply with all requirements of Section 148 of the Code to the extent applicable to the Bonds.

The City hereby designates the Bonds as "qualified tax-exempt obligations" as defined in Section 265(b)(3) of the Code. In addition, the City hereby represents that:

- (1) the aggregate face amount of all tax-exempt obligations (other than private activity bonds which are not "qualified 501(c)(3) bonds") which will be issued by the City (and all subordinate entities thereof) during the calendar year in which the Bonds are issued is not reasonably expected to exceed \$10,000,000; and
- (2) the City (including all subordinate entities thereof) will not issue an aggregate principal amount of obligations designated by the City to be "qualified tax-exempt obligations" during the calendar year in which the Bonds are issued, including the Bonds, in excess of \$10,000,000, without first obtaining an opinion of Bond Counsel that the designation of the Bonds as "qualified tax-exempt obligations" will not be adversely affected.

The Mayor is hereby authorized to take such other action as may be necessary to make effective the designation in this subsection.

Section 6. Further Authority. The Mayor, City Clerk and other City officials are authorized and directed to execute such documents and take such actions as they may deem necessary or advisable in order to carry out the purposes of this Ordinance.

Section 7. Governing Law. The Ordinance and the Bonds shall be governed 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.

PASSED by the governing body of the City on Apr. 28, 1998.

(SEAL)

Janise L. Hodgson
Mayor

ATTEST:

Joseph E. Martin
City Clerk

ORDINANCE NO. 3266

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 3(B) OF THE MUNICIPAL CODE, ELIMINATING THE CLASSIFICATION FOR ALL-ELECTRIC RESIDENTIAL SERVICE; ESTABLISHING A NEW CLASSIFICATION FOR TEMPORARY CONSTRUCTION SERVICE; AMENDING TITLE 4, CHAPTER 4, SECTION 4, ESTABLISHING NEW AND REVISED RATES FOR VARIOUS ELECTRIC SERVICE; REPEALING TITLE 4, CHAPTER 4, SECTION 12, FUEL COST ADJUSTMENT AND ALL 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 3(B) of the Municipal Code is hereby amended to read as follows:

(B) Temporary Construction Service:

1. This classification shall be available during new construction or remodeling phases requiring temporary electric service for residential, small general, or large general use classifications. This temporary class of service shall be required for all service locations under construction and shall be utilized from the inception of such service up to the point of final inspection and issuance of the occupancy permit; provided, however, such classification shall be available for not more than six (6) months from date of the temporary service request and any additional time, beyond such six (6) month period, must be approved by the City Manager upon written request of the temporary customer.
2. The character of service offered under this classification shall be appropriate to, and of the same voltage and phase as anticipated for the permanent electrical service to the site.
3. This classification shall not be available for break down, stand by, supplementary, or resale service.

SECTION 2: 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: \$3.50 per month

Energy Charge:

First	80 kWh per month at	\$.080 per kWh
Next	920 kWh per month at	\$.077 per kWh
Over	1,000 kWh per month at	\$.075 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: \$5.00 per month

Energy Charge:

First	80 kWh per month at	\$.080 per kWh
Next	920 kWh per month at	\$.076 per kWh
Over	1,000 kWh per month at	\$.074 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 Service:

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

Customer Charge:	\$5.50 per month
Demand Charge:	For each kW billing demand per month, \$2.00 per kW
Energy Charge:	
First 1,000 kWh per month at	\$.068 per kWh
Next 9,000 kWh per month at	\$.066 per kWh
Next 50,000 kWh per month at	\$.062 per kWh
Next 50,000 kWh per month at	\$.058 per kWh
Next 50,000 kWh per month at	\$.055 per kWh
Over 160,000 kWh per month at	\$.050 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 \$0.10 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
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(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)	\$5.00 per fixture
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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 Pumping 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	\$.0265 per kWh
Sewage disposal, at	\$.0216 per kWh

SECTION 3: Title 4, Chapter 4, Section 3(B) and Title 4, Chapter 4, Section 4 as the same presently exist are hereby repealed. Title 4, Chapter 4, Section 12 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; 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 May 31, 1998.

PASSED This 28th day of April, 1998.

Janice L. Hodges
Mayor

A T T E S T:

James E. Martin
City Clerk

ORDINANCE NO. 3267

AN ORDINANCE RESTRICTING PARKING ON A PART WALNUT STREET

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

SECTION 1: No person shall park or stand any vehicle on the following part of Walnut Street between the hours of 7:30 a.m. to 4:30 p.m. on any day during which the public school commonly known as Garnett Elementary Center (formerly Garnett High School) is in session, to-wit: Along the west side of said street, beginning at a point 54 feet north of the center line of Warren Street to a point 63 feet south of the center line of the south USD 365 driveway intersecting on the east side of said Walnut Street, said distance being a total distance along the west side of said Walnut Street of 448 feet.

SECTION 2: Ordinance 2833 of the City of Garnett, Kansas and all other sections of any ordinance or provisions of the Municipal Code in conflict herewith are hereby repealed.

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

PASSED This 28th day of April, 1998.

James L. Hodgson
Mayor

A T T E S T:

James E. Martin
City Clerk

ORDINANCE NO. 3268

AN ORDINANCE REPEALING TITLE 10, CHAPTER 1, SECTION 2 OF THE MUNICIPAL CODE, DESIGNATING STOP INTERSECTIONS AT CERTAIN LOCATIONS IN THE VICINITY OF GARNETT ELEMENTARY CENTER (FORMERLY GARNETT HIGH SCHOOL).

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

SECTION 1: Title 10, Chapter 1, Section 2 of the Municipal Code is hereby repealed.

SECTION 2: This Ordinance shall take effect and be in force from and after its passage and publication one (1) time in an official newspaper of the City of Garnett, Kansas.

PASSED This 28th day of April, 1998.

Janice L. Hodgson
Mayor

A T T E S T:

James E. Martin
City Clerk

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 that the zoning classification of the following described land situate in Anderson County, Kansas, to-wit:

Lot One (1) in Block One (1) in Eastgate Addition to the City of Garnett, Anderson County, Kansas; and beginning at a point 296.5 feet east and 33 feet north of the Southwest Corner of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence North 140 feet, thence East 11.5 feet, thence South 140 feet, thence West 11.5 feet to the place of beginning; all being located in the City of Garnett, Anderson County, Kansas;

is hereby changed from O-I Office and Institutional District to R-2 Residential Medium Density 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 voting Aye; none voting Nay; and approved this 9th day of June, 1998.

Sandra K. Peine
Mayor

A T T E S T:

Joyce E. Martini
City Clerk

ORDINANCE NO. 3273

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A SIDEWALK ALONG AND ADJACENT TO THE PROPERTY COMMONLY KNOWN AS 425 - 427 SOUTH OAK STREET WITHIN THE CITY OF GARNETT, KANSAS.

WHEREAS, By Resolution No. 1/27/98-2 adopted by the governing body of the City of Garnett, Kansas, on the 27th day of January, 1998, the existing sidewalk along and adjacent to the public building commonly known as 425 - 427 South Oak Street, and more particularly described hereinafter, was declared unsafe and ordered reconstructed;

WHEREAS, The property owners have failed within the sixty (60) day period provided in said resolution to remove and reconstruct such sidewalk.

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

SECTION 1: It is hereby declared necessary and ordered that a sidewalk shall be constructed along the south and east sides of the commercial building commonly known as 425 - 427 South Oak Street, Garnett, Kansas, being situated upon land legally described as follows, to-wit:

Beginning at the Southeast Corner of Lot Twenty-four (24), Block Forty-seven (47) in the City of Garnett, thence North 48 feet, thence West 100 feet, thence South 48 feet, thence East 100 feet to the place of beginning, being a part of Lots Twenty-two (22), Twenty-three (23) and Twenty-four (24) in said block Forty-seven (47), City of Garnett, Anderson County, Kansas;

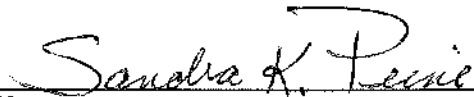
SECTION 2: The said sidewalk along the south side of the above described property and between said building and the paved right-of-way of Fifth Avenue shall be 100 feet 6 inches, more or less, in length (east and west) and sufficient in width to fill completely the space between the curb of said Fifth Avenue and the south foundation or edge of the said building, a width of approximately 14 feet; and along the east side of said building a length of 48 feet (north and south) and a width sufficient to fill entirely the space between Oak Street and the front or east foundation edge of said building, a distance of approximately 14 feet in width. Said sidewalk shall be at least 4 inches thick and shall be constructed in a workmanlike manner with Portland concrete, 5 1/2 sack mix at the minimum.

SECTION 3: The City Manager is hereby authorized and directed to prepare specifications and invite bids on such work, letting the same for contract in accordance with the statute in such case made and provided.

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SECTION 4: This ordinance will 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 9th day of June, 1998.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3275

AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTIONS 1, 5 AND 8 OF THE MUNICIPAL CODE DEALING WITH APPLICABLE DEFINITIONS AND THE ACCUMULATIONS OF REFUSE, GARBAGE AND OTHER WASTES; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER.

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

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

7-2-1: DEFINITIONS: The following words, terms and phrases used in this Chapter shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (A) ABANDONED VEHICLE means any vehicle to which the last registered owner of record has relinquished all further dominion and control, or has not exercised dominion and control for such a period of time as to be deemed to have relinquished the same.
- (B) BULKY WASTE means discarded or stored inoperative household appliances, furniture or equipment no longer actively used for its original or manufactured purpose, junk lumber and other building demolition debris, parts of machinery and equipment, including tires and similar waste not ordinarily collected with compactor equipment.
- (C) CITY means the City of Garnett, Anderson County, Kansas.
- (D) CITY MANAGER means the City Manager of the City of Garnett, Kansas, and includes his deputy, delegate, alternate or appointee.
- (E) COMMERCIAL WASTE means all solid waste emanating from establishments engaged in business, including, but not limited to stores, markets, office building, restaurants, shopping centers, theaters, hospitals, governments and nursing homes, but shall not include hazardous wastes.
- (F) CONTROL MEASURES means any chemical, structural or physical procedures or processes designed to eradicate, minimize, prevent or otherwise limit the reproduction or infestation of insects and

rodents detrimental to community health.

- (G) DWELLING UNIT means any enclosure building or portion thereof occupied by one or more persons for and as living quarters.
- (H) GARBAGE means putrescible waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods, and shall include unclean containers.
- (I) HAZARDOUS WASTES are materials of any kind, liquid or solid, which may present a special hazard to collection or disposal personnel or equipment or to the public and include, but are not limited to, explosive materials; rags or other wastes soaked in volatile or inflammable materials; drugs, poisons, radioactive materials, and highly combustible materials, soiled dressings, clothing, bedding or other wastes contaminated by infectious or contagious diseases, bacteria or other organisms.
- (J) INOPERABLE VEHICLE means any vehicle which because of mechanical defects, a wrecked or partially wrecked frame or body or dismantled parts cannot be operated in a normal and safe manner. Any vehicle which has been inoperative for a period of ten (10) days shall constitute a prima facie presumption that such vehicle is inoperable.
- (K) MULTI-FAMILY UNIT means any structure containing more than four (4) individual dwelling units.
- (L) PERSON shall include every real person and every firm, co-partnership, joint venture, association, corporation, lodge, society, organization or any other combination of real persons, whether recognized in law as a separate entity or not.
- (M) REFUSE means all garbage, rubbish, trash or waste materials.
- (N) RESIDENTIAL means any structure containing four (4) or fewer individual dwelling units, rooming houses having no more than four (4) persons in addition to the family of the owner or operator, and mobile homes.

- (O) RODENT means the so-called domestic rat, *Rattus norvegicus* and *Rattus rattus*, and domestic mouse, *Mus musculus*, and wild native rodents associated with the transmission of disease or causing nuisance to man or other animals.
- (P) SALVAGE MATERIAL means any:
- (1) Used merchandise stored or kept for sale or resale either as a whole or as a part of another assembly;
 - (2) Disassembled or whole wrecked or used vehicles stored or kept for reuse or sale as vehicle parts; or
 - (3) Various kinds of metal, wooden, plastic or other similar materials used or capable of being used as building materials.
- (Q) RUBBISH or TRASH means all non-putrescible waste materials, including, but not limited to paper, tin cans, bottles, glass, crockery, rags, ashes, bulky wastes, boxes and barrels, wood and excelsior, street sweepings, and mineral refuse. Rubbish or trash shall not include
- (1) earth and waste from building operations;
 - (2) wastes from industrial processes or manufacturing operations;
 - (3) hazardous wastes;
 - (4) yard wastes; or
 - (5) salvage materials.
- (R) SITE SCREENING means decorative fencing, evergreen vegetation or landscaped earth berms maintained for the purpose of concealing from view the area behind such fence, evergreen vegetation or berms. When fencing is used for screening, it shall not be less than six (6) feet in height.
- (S) SOLID WASTE means all non-liquid refuse.
- (T) VEHICLE means a machine propelled by power other than human power that is designed to travel along the ground by use of wheels, treads, runners or slides or other devices,

- (V) YARD WASTE means the cuttings, clippings, trimmings or fallen flowers, blooms, fruit, leaves, fronds, or needles of trees, shrubs, grasses and forbs; the whole or any plant removed or cut from any yard or garden, including what is commonly called brush.

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

7-2-5: MISCELLANEOUS PROVISIONS:

- (A) Bulky wastes; vehicle bodies or frames or any major sub-assembly thereof which cannot be reduced to fit approved containers; and rocks, dirt, sod, concrete and building materials shall be disposed of only in sites and in the manner approved by the City Manager and state or federal regulations; and will be collected only when prior arrangements have been made with the City Manager.
- (B) Yard wastes shall be collected only when segregated from all other wastes and when prior arrangements have been made with the City Manager or in accordance with any special program for the periodic collection and disposal of such wastes.
- (C) Empty cardboard boxes shall be flattened prior to collection. No trash, other than books or papers shall be placed in cardboard containers for collection.
- (D) Any abandoned or inoperable vehicle kept in violation of this chapter shall, after ten (10) days advance notice to either the property owner or the occupant of the premises upon which the vehicle is being kept and the registered owner of the said vehicle (if through reasonable means such owner can be determined) to remove the same, be declared by the City Manager a nuisance for the purpose of complying with K.S.A. 12-1617e thereby permitting the city to remove and abate the same from the property. Disposition of such vehicle shall thereafter be made in compliance with the procedures for impoundment, notice and public auction established in K.S.A. 8-1102(a)(2) and amendments thereto. However, nothing in this sub-part shall prevent the premises owner or occupant, or the vehicle owner, from being cited

for such violation in addition to removal and abatement thereof; nor shall the prior issuance of such a citation be a defense or bar to the abatement and removal procedure.

Section 3. Title 7, Chapter 2, Section 8 of the Municipal Code is hereby amended to read as follows:

7-2-8: ACCUMULATION OF REFUSE, GARBAGE AND OTHER WASTES:

- (A) Except as provided in this section, no person shall store, collect, maintain or display on private property refuse or garbage except in approved containers; or if the quantity or bulk thereof is too great for such containers, then neatly stacked, tied and bound or otherwise confined so as to prevent blowing or other spreading onto private or public property and in proximity to the site of collection along street or alleyway.
- (B) No person shall store, collect, maintain or permit to accumulate any quantity of refuse, paper, trash, ashes or other waste material within or in proximity to any building or structure within the City, unless the same shall be stored in approved containers in such a manner as not to create a fire hazard.
- (C) No person shall store, collect, maintain or permit to accumulate on any property any yard waste unless the same is neatly piled or stacked. The same shall be piled or stacked in such a manner as not to create a fire hazard to any structure.
- (D) No owner or occupant of any dwelling shall store or dispose of any abandoned or inoperable motor vehicle, salvage material, bulky waste, junk or discarded materials on such property only if accumulated, stored and kept within the principal building or any fully enclosed out-building or structure so long as such accumulation, storage or keeping is not in violation of any other ordinance or part of this code. The accumulation, storage and keeping of such materials elsewhere on the premises or upon any vacant residential lot shall be permitted only in accordance with this sub-section. The owner or occupant thereof shall keep the premises free of litter, refuse, salvage material and junk. Provided, however,

(1) Building materials to be used within one hundred eighty (180) days for construction on the premises, if properly authorized by a building permit, may be kept on such premises if stored at least eighteen (18) inches off the ground and not closer than forty-eight (48) inches to a wall or fence. For good cause shown, the City Manager may approve lesser distances;

(2) An inoperable motor vehicle may be kept or stored in a garage with a door which is kept closed except as necessary to permit ingress thereto or egress therefrom, and so long as such keeping is not in violation of any other ordinance or part of this code; and,

(3) Any vehicle temporarily inoperable but in the process of being repaired and restored to an operational state may be kept un-garaged on a residential premises for a period of not to exceed thirty (30) days. For good cause shown, the City Manager may extend this period one time for up to an additional fourteen (14) days.

(E) All junk, bulky waste, salvage material or other discarded materials used in connection with a bona fide business in a properly zoned area of the City may be accumulated, stored and kept within the main business building or any fully enclosed out-building or structure so long as such accumulation, storage or keeping is not in violation of any other ordinance or part of this code. The accumulation, storage and keeping of such materials elsewhere on the premises shall be permitted only in accordance with this sub-section.

(1) All rackable salvage material shall be stored on racks or bins with at least 18 inches of clearance between the bottom of the rack or bin and the ground and in a width of 48 inches or less. No rack or bin shall be closer than 48 inches to any wall, fence or adjacent bin or rack.

(2) Non-rackable material shall be stored with an exposed perimeter or in a manner specified by the City Manager so as to prevent rodent harborage and breeding.

(3) All ground surfaces except lawn areas of the business shall be kept free of all grasses and

weeds, using soil sterilants, herbicides or other effective methods.

(4) An effective continuous rodent poisoning program using anti-coagulant rodenticides or other effective methods shall be maintained at all times where such materials are stored.

(5) Each business storing such materials on the date of adoption of this ordinance shall within 90 days provide the City Manager a site screening plan acceptable to the City Manager and then shall proceed to implement said plan within one year of the effective date of this section. A business initiating operations which include storage of the above described materials subsequent to the passage of this ordinance shall submit a site screening plan to the City Manager for approval and shall implement said approved plan prior to the actual commencement of storage of any such materials at the location of said business.

(F) Every occupant of a single premises shall be responsible for the extermination of any insects, rodents or other vermin therein or upon the premises. Wherever two or more occupants are in the same building, the owner or operator of the building shall be responsible for such extermination.

(G) Site screening as required in this section shall not be sufficient with vegetative screening materials alone, but vegetation may be incorporated and supplement such screening program. All screening that is considered a structure shall comply with all applicable zoning regulations and building and fire codes.

(H) The City Manager is hereby expressly authorized to promulgate reasonable rules and regulations, as provided in Section 22 of this title and chapter, in order to carry out the enforcement of this section.

Section 4. Title 7, Chapter 2, Sections 1, 5 and 8 of the Municipal Code, as the same presently exist, are hereby repealed.

Section 5. This ordinance shall take effect and be in force from and after its passage and publication one time in an

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official newspaper of the City of Garnett, Kansas.

PASSED this 23rd day of June, 1998.

James L. Hodgson
Mayor

ATTEST:

Joseph E. Martin
City Clerk

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 3(D) OF THE MUNICIPAL CODE, DEFINING "LARGE GENERAL SERVICE" ELECTRIC CUSTOMERS; AND ALSO AMENDING TITLE 4, CHAPTER 4, SECTION 4(C)(2) OF THE MUNICIPAL CODE, COORDINATING THE APPLICATION OF DEMAND CHARGES TO LARGE GENERAL SERVICE CUSTOMERS OF THE ELECTRIC UTILITY; REPEALING EXISTING SECTIONS AND PROVIDING FOR EFFECTIVE DATE

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

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

(B) Large General Service:

1. This classification of service shall be available in all territories served by the City electric utility.
2. It shall be applicable to any commercial or industrial customer whose average consumption is 5,000 kW or more per month during any twelve (12) consecutive month period.
3. The character of service hereunder shall be single or three-phase AC, 60 Hz supplied at any standard utility voltage level.
4. This classification shall not be available for breakdown, standby, supplementary, or resale service.

SECTION 2: Title 4, Chapter 4, Section 4(C)(2) of the Municipal Code is hereby amended to read as follows:

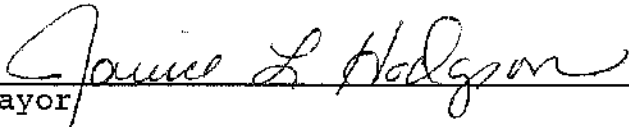
2. For the purposes of this classification, the term "billing demand" for any month shall be the maximum 30-minute integrated kilowatt demand in a month, but not less than eighty percent (80%) of the highest metered demand established during the preceding twelve (12) months; provided, however, when the 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 average energy consumption is less than 5,000 kWh per month during said preceding twelve (12) month period.

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

SECTION 4: Title 4, Chapter 4, Section 4(C)(2), as the same presently exists, amended by Ordinance 3266, is hereby repealed.

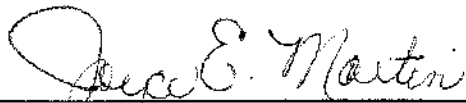
SECTION 5: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas, and shall be applied to all billings for electric utility services issued by the City of Garnett, Kansas after May 31, 1998.

PASSED This 14th day of July, 1998.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3280

AN ORDINANCE AMENDING TITLE IV, CHAPTER 1, SECTION 2 OF THE MUNICIPAL CODE, ADOPTING THE NATIONAL ELECTRICAL CODE, ED. 1996; PROVIDING FOR THE SUBORDINATION OF CONFLICTING PARTS OF SAID CODE TO SPECIFIC PROVISIONS OF EXISTING MUNICIPAL CODE; REPEALING TITLE IV, CHAPTER 1, SECTION 2 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS AS THE SAME PRESENTLY EXISTS; SAVING CLAUSE.

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

Section 1. Title IV, Chapter 1, Section 2 of the municipal code, City of Garnett, Kansas is hereby amended to read as follows:

4-1-2: **ADOPTION OF NATIONAL ELECTRICAL CODE:** The National Electrical Code, 1996 Edition, as prepared and published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted and incorporated by reference as the electrical wiring code for the City of Garnett, Kansas, regulating and governing all electrical work covered by permits and as required by Section 1, of this Chapter; provided, however, that the additional regulations set out in Section 3 of this Chapter are preserved and in the event of any conflict between the additional regulations contained in Section 3 of this Chapter and the National Electrical Code hereby adopted by reference then and in that event the provisions of Section 3 of this Chapter shall prevail. Compliance with the provisions of the said National Electrical Code and other regulations of this Chapter shall be considered as meeting the requirements of this title for the placing or installing of all electrical lights, heat and power wires, fixtures, appliances, conductors, apparatus, and their supports, in or upon any building, or other structures within the City of Garnett, Kansas. Not fewer than three copies of the said National Electrical Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3280" and to which shall be attached a copy of said ordinance. Copies of the code thus marked shall be filed with the City Clerk.

Section 2. REPEALER: Title IV, Chapter 1, Section 2 of the Municipal Code of the City of Garnett, Kansas, as the same presently exists, and all other municipal enactments in conflict with this Ordinance, are hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this Ordinance but charging a violation under any section of the Code or any Ordinance hereby repealed shall stay the effectiveness of such repealer with respect to such cases and such cases shall be prosecuted to conclusion upon the same terms and conditions as if the original Ordinances or Code Sections had not been repealed.


Section 3. EFFECTIVE DATE: 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.

Ordinance No. 3280
Page Two

PASSED this 11th day of August, 1998.


MAYOR

Attest:


City Clerk

ORDINANCE NO. 3281

AN ORDINANCE AMENDING TITLE IV, CHAPTER 2, SECTION 1 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, ADOPTING THE UNIFORM BUILDING CODE, ED. 1997; REPEALING TITLE IV, CHAPTER 2, SECTION 1 AS THE SAME PRESENTLY EXISTS, AND ALL ORDINANCES IN CONFLICT HEREWITH; SAVING CLAUSE.

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

Section 1. Title IV, Chapter 2, Section 1 of the municipal code, City of Garnett, Kansas is hereby amended to read as follows:

4-2-1: **ADOPTION OF UNIFORM BUILDING CODE:** There is hereby adopted by the City of Garnett, Kansas for the purpose of establishing rules and regulations to prohibit any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the Office of Inspection that certain code known as the Uniform Building Code, 1997 Edition, published by the International Conference of Building Officials, whose address is 5360 South Workman Mill Road; Whittier, California 90601, of which not fewer than three (3) copies have been marked "Official Copy as Adopted by Ordinance 3281", and to which a copy of said ordinance shall be attached and now are filed in the Office of the City Clerk.


Section 2. REPEALER: Title IV, Chapter 2, as the same presently exists, and all ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, any case pending before the Municipal Court upon the effectiveness of such repealer with respect to such cases and such cases shall be prosecuted to conclusion upon the same terms and conditions as if the original ordinances or code sections had not been repealed.

Section 3. EFFECTIVE DATE: 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 11th day of August, 1998.


MAYOR

Attest:


City Clerk

ORDINANCE NO. 3282

AN ORDINANCE AMENDING TITLE VII, CHAPTER 1, SECTION 1 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, ADOPTING THE UNIFORM FIRE CODE, ED. 1997, PROVIDING FOR THE ENFORCEMENT THEREOF AND PENALTIES FOR VIOLATION THEREOF; REPEALING TITLE VII, CHAPTER 1, SECTION 1 AS THE SAME PRESENTLY EXISTS; SAVING CLAUSE.

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

Section 1. Title VII, Chapter 1, Section 1 of the municipal code, City of Garnett, Kansas is hereby amended to read as follows:

7-1-1: ADOPTION OF UNIFORM FIRE CODE: There is hereby adopted by the City of Garnett, Kansas for the purpose of safeguarding life and limb, health, property, and public welfare, that certain code known as the "Uniform Fire Code", 1997 Edition thereof, published by the International Conference of Building Officials whose address is 5360 South Workman Mill Road, Whittier, California 90601 and the Western Fire Chief Association whose address is 3602 Inland Empire Boulevard, Ontario, California 91764, of which not fewer than three (3) copies have been marked "Official Copy as Adopted by Ordinance 3282" and to which a copy of said ordinance shall be attached and are now on file in the office of the City Clerk, City Hall, Garnett, Kansas.

Section 2. **REPEALER:** Title VII, Chapter 1, Section 1 of the Municipal Code of the City of Garnett, as the same presently exists, is hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this ordinance, but charging a violation under any section of the code or any ordinance hereby repealed shall stay the effectiveness of such repealer with respect to such cases and such cases shall be prosecuted to conclusion upon the same terms and conditions as if the original ordinances or code sections had not been repealed.

Section 3. **EFFECTIVE DATE:** 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 11th day of August, 1998.


MAYOR

Attest:


City Clerk

ORDINANCE NO. 3283

AN ORDINANCE AMENDING TITLE 9, CHAPTER 14 OF THE MUNICIPAL CODE; DEFINING TERMS; AUTHORIZING THE DECLARATION OF A WATER WATCH, WARNING OR EMERGENCY; ESTABLISHING PROCEDURES AND VOLUNTARY AND MANDATORY CONSERVATION MEASURES; AUTHORIZING THE ISSUANCE OF ADMINISTRATIVE REGULATIONS; AND PRESCRIBING CERTAIN PENALTIES; REPEALING EXISTING, CONFLICTING SECTIONS OF SAID TITLE AND CHAPTER.

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

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

9-14-1: DEFINITIONS AND CLASSIFICATIONS:

(A) Definitions:

1. "Consumer", as the term is used in this Chapter shall mean any person taking water for any purpose from the City's water distribution system and for which either a monthly charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.
2. "Waste of Water", as the term is used in this chapter, shall include, but is not limited to: (1) Permitting water to escape down a gutter, ditch, or other surface drain; or (2) Failure to repair a controllable leak of water due to defective plumbing.
3. "Water", as the term is used in this Chapter, shall mean water available to the City for treatment or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.

(B) Classifications: The following classes of uses of water are established:

1. Class 1: Water used for outdoor watering, either public or private, of gardens, lawns, trees, shrubs, plants, football fields, baseball fields, playgrounds, golf courses, swimming pools, or other recreational areas; or the washing of cars, boats, trailers, or the exterior of any building or structure.
2. Class 2: Water used for any commercial or industrial, including agricultural, purposes; except water actually necessary to

maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at the place of commercial or industrial enterprise.

3. Class 3: General domestic usage, other than uses which would be included in either Classes 1 or 2.

4. Class 4: Water necessary to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

SECTION 2. Title 9, Chapter 13, Section 2 of the Municipal Code is hereby amended to read as follows:

9-14-2: CITY TO DETERMINE NEED AND APPROPRIATE RESPONSE TO WATER SUPPLY SHORTAGE; RESOLUTION: The Governing Body of the City reserves the right to restrict, through either voluntary or mandatory means, or to prohibit the use of water, including untreated water; or to restrict and specify the purposes for which such water may be used or the times at which it may be used or sold, or both, whenever the Governing Body determines that there is the need for such measures in order to protect the public water supply. There shall be three (3) levels of response to a threat of a water supply shortage:

(A) Declaration of Water Watch. Whenever the governing body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare by resolution that a water watch exists and shall take steps to inform the public and ask for voluntary reductions in water use.

(B) Declaration of Water Warning. Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of the warning.

(C) Declaration of Water Emergency. Whenever the governing body of the City finds that a water supply emergency exists by reason of a shortage of supply needed for essential uses, it shall be empowered to declare by resolution that a

water supply emergency exists and impose mandatory restrictions on water use during the period of the emergency.

(D) Effective Time. Such period of watch, warning or emergency continues until declared at an end. The resolutions declaring the beginning and ending of the water watch, warning or emergency shall be effective upon their publication in the official city newspaper.

SECTION 3. Title 9, Chapter 14, Section 3 of the Municipal Code is hereby amended to read as follows:

9-14-3: RESTRICTIONS AND PROHIBITIONS APPLICABLE IN DECLARED WATCH, WARNING, AND EMERGENCY PERIODS:

(A) At such time as a Water Watch is by resolution declared to exist, the City Manager shall call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitation on the following uses:

1. Sprinkling of water on lawns, shrubs or trees (including golf courses);
2. Washing of automobiles;
3. Use of water in swimming pools, fountains and evaporative air conditioning systems; and
4. Waste of water.

(B) At such time as a Water Warning is by resolution declared to exist, the City Manager shall call on all water consumers to employ the water conservation measures specified in the above sub-section and shall in addition impose such restrictions or prohibition wholly or in part on:

1. Sales of water at coin-operated sites or facilities;
2. Place restrictions or prohibitions upon the taking or use of water by any person, group of persons, association, joint venture, partnership, or corporation other than the City for its own uses from Lake Garnett, Crystal Lake, or Cedar Valley Reservoir;
3. Impose an odd/even lawn watering system on city residents in which residents with odd numbered addresses will water on odd days, even addresses will water on even days;

4. Restrict outdoor water use, including lawn watering and car washing to before 10:00 a.m. and after 9:00 p.m.; and
5. Allow the refilling of swimming pools only one day a week after sunset.

(C) At such time as a Water Emergency is by resolution declared actually to exist, the City Manager shall implement mandatory water conservation measures, including, but not limited to the following:

1. Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency;
2. Restrictions on the uses of water in one or more classes of water use, wholly or in part;
3. Restrictions on the sales of water at coin-operated facilities or sites;
4. The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
5. Complete ban on the waste of water; and
6. Any combination of the foregoing measures, or all, as may be set forth and specified in detail in the resolution declaring a water emergency or any amendment to such resolution.

SECTION 4. Upon the declaration of a Water Emergency, the Governing Body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not to be limited to: (a) higher charges for increasing usage per unit of use (increasing block rates); (b) uniform charges for water usage per unit of use (uniform unit rate); or (c) extra charges in excess of a specified level of water use (excess demand surcharge).

SECTION 5. DISCONNECTIONS: In addition to any other penalty provided in this chapter, if any customer violates or allows or permits the violation of any provisions of a water supply emergency resolution or ordinance adopted in conjunction with the declaration of such emergency, a written notice of the violations shall be affixed to the property where the violation occurred and delivered to the customer of record and any other person known to the City to be responsible for such violation shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be

corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances.

(A) If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:

1. The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to such violation and that the customer has the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a city official designated as a hearing officer by the governing body;
2. If such hearing is requested, the customer, shall be given a full opportunity to be heard before termination is ordered; and
3. The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(B) A fee of \$50 shall be paid for the reconnection of any water service terminated pursuant to this section. In the event of such violations, the reconnection fee shall be \$200 for the second reconnection and \$300 for any additional reconnections.

(C) Nothing in this section shall limit or restrict the ability of the City of Garnett from terminating municipal water supplied to any or to all customers upon the determination that such is required during the pendency of the water emergency to protect the health and safety of the public at large.

The City Codifier is hereby instructed to add the material in this section to the Municipal Code as Title 9, Chapter 14, Section 6 of the Municipal Code and same is hereby declared to be supplementary thereto.

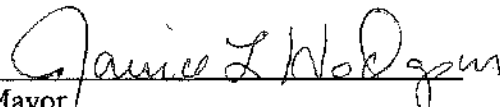
SECTION 6. SEVERABILITY: If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons or circumstances shall not be affected thereby.

Water Drought/Emergency Ordinance
For the City of Garnett, Kansas
Page 6

SECTION 7. The provisions of Title 9, Chapter 14 as are expressly amended herein and as the same presently exist, together with all other ordinances in conflict herewith, are hereby repealed.

SECTION 8. This ordinance shall become effective upon its publication in the official city newspaper.

PASSED this 11th day of August, 1998.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3286

AN ORDINANCE ASSESSING THE COSTS OF CONSTRUCTION OF A SIDEWALK ALONG AND ADJACENT TO THE PROPERTY COMMONLY KNOWN AS 425-427 SOUTH OAK STREET WITHIN THE CITY OF GARNETT KANSAS.

WHEREAS, Resolution No. 1/27/98-2, adopted by the governing body of the City of Garnett, Kansas (hereinafter, "City"), on January 27, 1998, condemns and declares unsafe the existing sidewalk along and adjacent to the public building commonly known as 425-427 South Oak Street, more particularly hereinafter described, and directs the owners of the adjacent land to remove and reconstruct the same; and, ordered reconstructed;

WHEREAS, the property owners failed within sixty (60) days following adoption of said resolution and notice to them of the same, to remove and reconstruct such sidewalk; and,

WHEREAS, this governing body did thereafter duly and regularly adopt and cause to be published in an official newspaper of the said city, Ordinance No. 3273 which ordered the removal and reconstruction of said sidewalk, in accordance with certain specifications set forth in said resolution and ordinance; and,

WHEREAS, the City did in accordance with said ordinance proceed to advertise for bids and did let bids for the removal and reconstruction of said sidewalk, which has now been completed and the cost thereof ascertained.

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

Section 1: The cost for the removal and reconstruction of a good and sufficient sidewalk, built in accordance with the specifications heretofore set out in Resolution 1/27/98-2 and Ordinance 3273, along and adjacent to the south and east sides of the commercial building commonly known as 425-427 South Oak Street, Garnett, Kansas, being situated upon land legally described as follows to-wit:

Beginning at the Southeast Corner of Lot Twenty-four (24), Block Forty-seven (47) in the City of Garnett, thence North 48 feet, thence West 100 feet, thence South 48 feet, thence East 100 feet to the place of beginning, being a part of Lots Twenty-two (22), Twenty-three (23) and Twenty-four (24) in said block Forty-seven (47), City of Garnett, Anderson County, Kansas,

is found to be as follows:

Albert Potter Contract	\$6,700.00
-Less City's Portion	(496.00)
Administrative Costs (City Attorney, City Manager and Other Misc. expenses)	725.00
Publication Fee, Resolution 1/27/98-2	67.76
Publication Fee, Ordinance 3273	60.20
Publication Fee, this ordinance (est)	60.00
TOTAL	\$7,116.96

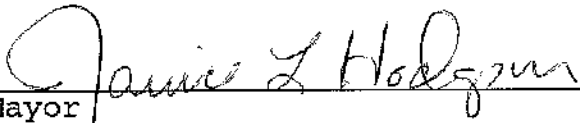
Section 2. There is hereby levied and assessed against the above described real estate the sum of \$7,116.96, in accordance with K.S.A. 12-1808; provided, however, if the registered landowners, to wit:

1. Lyman D. Silverthorn,
2. M.J. Silverthorn, and
3. Viola E. Franklin a/k/a Graycie Cooksey

shall pay the full amount of such assessment within thirty days of the date the City Clerk mails to them written notice thereof, such levy and assessment shall be deemed satisfied; otherwise, the City Clerk shall, upon the expiration of such thirty day period, certify to the County Clerk said sum to be put on the tax rolls like other taxes.

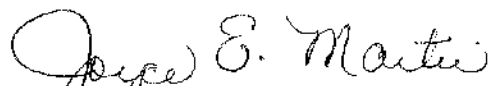
Section 3. This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 8th day of September, 1998.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3288

AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, SECTION 1(C) TO PROHIBIT AND EXTEND THE PROHIBITION AGAINST CERTAIN TRUCK PARKING IN SPECIFIED LOCATIONS WITHIN THE CITY; 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 1(C) of the Municipal Code is hereby amended to read as follows, to-wit:

10-2-1 NO PARKING:

(C) No person shall stand or park any tractor, truck tractor, trailer, semi-trailer, or combination of such vehicles, or any straight truck having more than two (2) axles, upon

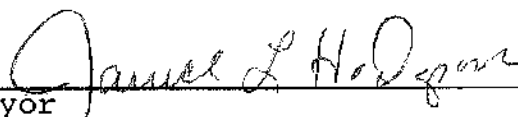
1. Any street or private yard in any residential district of the City of Garnett, Kansas.
2. Any street or private yard within an O-I district if the predominate character of the block within said O-I district is residential rather than office and institutional.
3. Anywhere upon Cleveland Street between Highway K-31 and Fourth Avenue.
4. Main Street between Fourth Avenue and Fifth Avenue.

Provided, however, nothing in this subsection shall be construed to prevent adjacent premises to any affected public street from being served by any such vehicle or combination of vehicles.

SECTION 2: Title 10, Chapter 2, Section 1(C) 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 Sept., 1998.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3289

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:

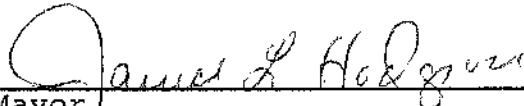
9-7-11: CEMETERY SERVICE CHARGES: The charges for opening and closing graves and related Cemetery service shall be as follows:

<u>Grave Openings</u>	<u>Garnett Resident</u>	<u>Nonresident</u>
Standard interment	\$ 180.00	\$ 200.00
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	280.00	300.00
Baby (under 18 months)	190.00	200.00
Ashes	145.00	150.00
Charges for funerals held on holidays or Sundays:		
Standard interment	480.00	500.00
Baby (under 18 months)	390.00	400.00
Ashes	345.00	350.00

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 22nd day of September, 1998.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3290

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CITY OF GARNETT, KANSAS, AMENDING TITLE 10, CHAPTER 7, SECTIONS 1, 2 and 3 OF THE MUNICIPAL CODE; ADOPTING AND INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", 1998 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", 1998 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. 3290 " 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 2 of the Municipal Code, is hereby amended to read as follows:

10-7-2: ADDITIONS: (Section reserved for future use.)

Section 3. 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,

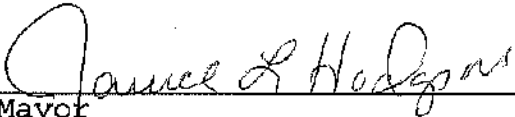
Section 115; and Article 20, Section 201 of the Standard Traffic Ordinance for Kansas Cities, edition of 1998, are hereby omitted.

Section 4: 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 5: Title 10, Chapter 7, Sections 1 through 3 inclusive 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 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 22nd day of September, 1998.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3291

AN ORDINANCE REGULATING MAXIMUM SPEED LIMITS OF MOTOR VEHICLES, AMENDING TITLE 10, CHAPTER 4 OF THE MUNICIPAL CODE AND REPEALING EXISTING TITLE AND CHAPTER; SAVING CLAUSE.

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

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

10-4-1: MAXIMUM LIMITS: Except as provided either in Chapter 8 of this Title or elsewhere in this chapter, and except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1557 (or the corresponding provisions of this Title), and any amendments thereto,

- (A) No person shall operate a vehicle at a speed in excess of
1. 20 miles per hour in any business district;
 2. 30 miles per hour in any urban district;
 3. 70 miles per hour on any separated multi-lane highway, as designated and posted by the secretary of transportation;
 4. 55 miles per hour on any county or township highway; and
 5. 65 miles per hour on all other highways.
- (B) No person shall drive a school bus to or from school, or interschool or intraschool functions or activities, at a speed greater than 45 miles per hour on any roadway having a dirt, sand or gravel surface, and in no event shall a school bus be driven to and from school, or functions or activities, in excess of 55 miles per hour, notwithstanding any maximum speed limit in excess thereof. The provisions of this sub-section relating to school buses shall apply to buses used for the transportation of students enrolled in community colleges or area vocational schools, when such buses are transporting students to or from school, or functions or activities.
- (C) No person shall operate a vehicle at a speed in excess of
1. 30 miles per hour on Maple Street.

2. 20 miles per hour over and upon that part of Oak Street within the City commencing at the intersection of said street and Third Avenue of said City and running north to the intersection of the alley between, and running parallel to, First and Second Avenues of said City.
3. 40 miles per hour on Westgate Road.
4. 40 miles per hour over and upon that part of East Fourth Avenue within the City commencing at the southwest corner of the Maggio Addition to the City, and thence running east four hundred eight feet (408'), more or less, to the west right-of-way line of the Union Pacific (formerly Missouri-Pacific) Railroad.
5. 10 miles per hour over and upon any alley.
6. 30 miles per hour on any roadway within any park within the City or owned by the City. For the purposes of this sub-section, the municipal cemetery shall be considered a park.
7. 40 miles per hour over and upon that part of K-31 Highway commencing at the intersection of said highway and U.S. Highway 59 and running west to the point at which the southwest corner of the Veterinary Hospital Addition to the City abuts said K-31 Highway.

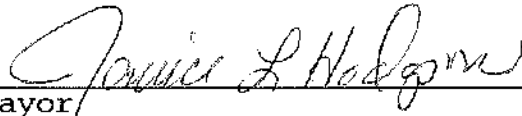
10-4-2: PENALTY: It shall be unlawful for any person to violate any of the provisions of this Chapter. Violations shall be considered an ordinance traffic infraction, as the same is defined by applicable Kansas law and shall be punished in the manner provided in Title 10, Chapter 7, Section 4 of the Municipal Code.

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

Speed Limit Ordinance
Page 3

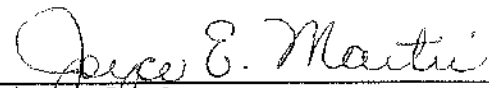
Section 3. This ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the city of Garnett.

PASSED this 22nd day of September, 1998.



Mayor

A T T E S T:



city clerk

ORDINANCE NO. 3292

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 4 OF THE MUNICIPAL CODE DEFINING THE CRIME OF BATTERY; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

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

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

6-1-4: BATTERY: Battery is:

- (a) Intentionally or recklessly causing bodily harm to another person; or
- (b) Intentionally causing physical contact with another person when done in a rude, insulting, or angry manner.

Battery is declared to be unlawful.

SECTION 2: Title 6, Chapter 1, Section 4 of the Municipal Code, as the same presently exists, is hereby repealed.

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

PASSED This 22nd day of September, 1998.

Jamie L. Holzapfel
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 3293

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 2 OF THE MUNICIPAL CODE DEFINING THE CRIME OF ASSAULT; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

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

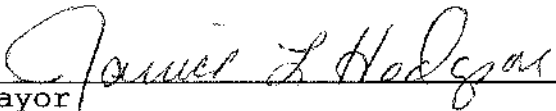
SECTION 1: Title 6, Chapter 1, Section 2 of the Municipal Code is hereby amended to read as follows:

6-1-2: ASSAULT: It shall be unlawful for any person intentionally to place another person in reasonable apprehension of immediate bodily harm.

SECTION 2: Title 6, Chapter 1, Section 2 of the Municipal, 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 September, 1998.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3294

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 6 OF THE MUNICIPAL CODE DEFINING THE CRIME OF THEFT; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

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

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

6-1-6: THEFT:

- (A) Theft is any of the following acts done with intent to deprive the owner permanently of the possession, use, or benefit of the owner's property which has a value of less than five hundred dollars (\$500.00):
1. Obtaining or exerting unauthorized control over property;
 2. Obtaining by deception control over property;
 3. Obtaining by threat control over property; or
 4. Obtaining control over stolen property knowing the property to have been stolen by another.

Theft is hereby declared to be unlawful.

- (B) Theft of services is obtaining services of a value of less than five hundred dollars (\$500.00) from another by deception, threat, coercion, stealth, tampering, or use of a false token or device. Theft of services is hereby declared to be unlawful.
- (C) Theft of lost or mislaid property is the failure to take reasonable measures to restore lost or mislaid property to the lawful owner by a person who has obtained control of such property, who knows or learns the identity of the owner thereof, and who intends to deprive the owner permanently of the possession, use, or benefit of the property. Theft of lost or mislaid property is declared to be unlawful.
- (D) In any prosecution under Sub-sections A or C hereof,
1. the following shall be prima facie evidence of the intent to deprive the owner or lessor permanently of property of the possession, use, or benefit thereof:

- a. The giving of a false identification or fictitious name, address, or place of employment at the time of obtaining control over the property;
 - b. The failure of a person who leases or rents personal property to return the same within ten (10) days after the date set forth in the lease or rental agreement for the return of the property, if notice is given to the person renting or leasing the property to return the property within seven (7) days after the receipt of the notice, in which case the subsequent return of the property within the seven (7) day period shall exempt such transaction from consideration as prima facie evidence as provided in this subsection.
 - c. Destroying, breaking, or opening a lock, chain, key switch, enclosure, or other device used to secure the property in order to obtain control over the property;
or
 - d. Destruction of or substantially damaging or altering the property so as to make the property unusable or unrecognizable in order to obtain control over the property.
2. in which the object of the alleged theft is a book or other material borrowed from any library within the City, it shall be prima facie evidence of intent to deprive the owner permanently of the possession, use or benefit thereof if the defendant fails to return such book or material within thirty (30) days after receiving notice from such library requesting its return, in which case the subsequent return of the book or material within the thirty (30) day period shall exempt such transaction from consideration as prima facie evidence provided in this subsection.
3. the word "notice" shall be construed to mean notice in writing and such notice in writing will be presumed to have been given three (3) days following deposit of the notice as registered or certified matter

in the United States Mail, addressed to such person who has leased or rented the personal property or borrowed the library material, at the address as appears in the information supplied by such person at the time of such leasing, renting, or borrowing or to such person's last known address.

(E) In any prosecution under Subsection B hereof,

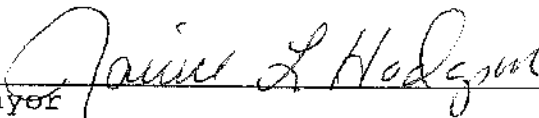
1. The following terms shall have the meanings and shall be defined as set opposite such term:
 - a. "Services" includes, but is not limited to, labor, professional service, cable television service, public or municipal utility or transportation service, telephone service, lodging, entertainment, and the supplying of equipment for use.
 - b. "Tampering" includes, but is not limited to,
 - i. Making a connection of any wire, conduit, or device, to any service or transmission line owned by a public or municipal utility or by a cable television service provider;
 - ii. Defacing, puncturing, removing, reversing, or altering any meter or any connections for the purpose of securing unauthorized or unmeasured electricity, natural gas, water, telephone service, or cable television service;
 - iii. Preventing any such meters from properly measuring or registering;
 - iv. Knowingly taking, receiving, using, or converting to such person's own use, or the use of another, any electricity, natural gas, or water which has not been measured; or any telephone or cable television service which has not been authorized; or
 - v. Causing, procuring, permitting, aiding, or abetting any person to do any of the preceding acts.

2. The existence of any of the connections of meters, alterations, or use of unauthorized or unmeasured electricity, natural gas, water, telephone service, or cable television service specified in Subsection B above shall be prima facie evidence of intent to violate the provisions of Subsection B by the person or persons using or receiving the direct benefits from the use of the electricity, natural gas, water, telephone service, or cable television service passing through such connections or meters, or using the electricity, natural gas, water, telephone service, or cable television service which has not been authorized or measured.

SECTION 2: Title 6, Chapter 1, Section 6 of the Municipal Code, as the same presently exists, is hereby repealed.

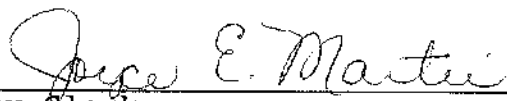
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 22nd day of September, 1998.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3295

AN ORDINANCE DEFINING THE CRIME OF CRIMINAL DEPRIVATION OF PROPERTY.

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

SECTION 1: Criminal deprivation of property is obtaining or exerting unauthorized control over property with the intent to deprive the owner of the temporary use thereof, without the owner's consent, but not with the intent of depriving the owner permanently of the possession, use, or benefit of such owner's property. Criminal deprivation of property is hereby declared to be unlawful.

SECTION 2: The official codifier of the City of Garnett, Kansas is hereby instructed to codify the substantive provisions of this Ordinance as Title 6, Chapter 1, Section 8 of said Code.

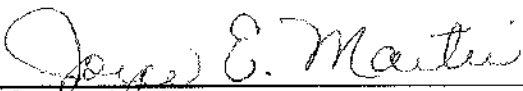
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED This 22nd day of September, 1998.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3296

AN ORDINANCE DEFINING AND DECLARING UNLAWFUL CERTAIN ACTS WITH REGARD TO CIGARETTES OR TOBACCO PRODUCTS, AMENDING TITLE 6, CHAPTER 1, SECTION 20 OF THE MUNICIPAL CODE.

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

SECTION 1: Title 6, Chapter 1, Section 20 of the Municipal Code is hereby amended to read as follows:

6-1-20: CIGARETTE AND TOBACCO PRODUCTS RESTRICTED:

It shall be unlawful:

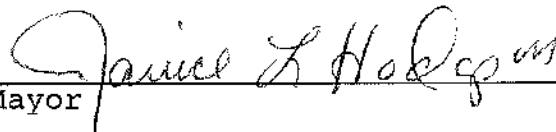
- (A) For any person, partnership, corporation, or other entity whatsoever to sell, furnish, or distribute cigarettes or tobacco products to any person under eighteen (18) years of age.
- (B) For any person who is under eighteen (18) years of age to purchase or attempt to purchase cigarettes or tobacco products.
- (C) For any person who is under eighteen (18) years of age to possess or attempt to possess cigarettes or tobacco products.

Upon conviction of a violation of Subsection (A), the defendant shall be punished as provided in the general penalty sections of this Municipal Code. Upon conviction of a violation of either Subsection (B) or Subsection (C), the defendant shall be deemed to have committed a cigarette or tobacco infraction and shall be punished by a fine of twenty-five dollars (\$25.00), including court costs.

SECTION 2: Title 6, Chapter 1, Section 20 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 September, 1998.



Mayor

A T T E S T:



City Clerk

(Published in The Anderson County Review on Sept. 28, 1998)

ORDINANCE NO. 3297

AN ORDINANCE ORDERING AND PROVIDING FOR THE CONSTRUCTION OF A NEW STORM SEWER IN THE CITY OF GARNETT, KANSAS

WHEREAS, the City of Garnett, Kansas (the "City") is authorized pursuant to the provisions of K.S.A. 12-631r et seq. and K.S.A. 14-523 et seq. to construct storm sewers and finance the same through the issuance of general obligation bonds of the City payable by the City at large; and

WHEREAS, the governing body wishes to order and provide for the construction of new storm sewer in the City.

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

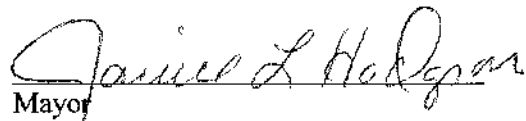
Section 1. It is hereby found and determined by the governing body that the construction of a new storm sewer in the City as hereinafter described is expedient, desirable and necessary for the benefit of the City.

Section 2. The construction of the new storm sewer is hereby ordered, which storm sewer shall be located as follows:

The new storm sewer shall commence at Highway 59, then run east approximately 387' along the north side of the property belonging to Main Investment Company, Inc. and along the south side of the property belonging to Earl F. and Ann Lizer; thence 150' south; thence east approximately 75' to the point of outlet which is the existing stormwater ditch on the property owned by Max O. and Margaret L. Ratliff.


Section 3. This Ordinance shall be in full force and effect from and after its adoption by the governing body and publication once in the official City newspaper.

PASSED by the Governing Body of the City on September 22, 1998.


Mayor

(SEAL)

ATTEST:


City Clerk

(Published in The Anderson County Advocate on October 15, 1998)

ORDINANCE NO. 3299

**AN ORDINANCE ORDERING AND PROVIDING FOR THE CONSTRUCTION
OF A NEW STORM SEWER IN THE CITY OF GARNETT, KANSAS**

WHEREAS, the City of Garnett, Kansas (the "City") is authorized pursuant to the provisions of K.S.A. 12-631r et seq to construct storm sewers and finance the same through the issuance of general obligation bonds of the City payable by the City at large; and

WHEREAS, the governing body wishes to order and provide for the construction of new storm sewer in the City.

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

Section 1. It is hereby found and determined by the governing body that the construction of a new storm sewer in the City as hereinafter described is expedient, desirable and necessary for the benefit of the City.


Section 2. The construction of the new storm sewer is hereby ordered, which storm sewer shall be located as follows:

The new storm sewer shall commence at Highway 59, then run east approximately 387' along the south side of the property belonging to Main Investment Company, Inc. and along the north side of the property belonging to Earl F. and Ann Lizer; thence 150' south; thence east approximately 75' to the point of outlet which is the existing stormwater ditch on the property owned by Max O. and Margaret L. Ratliff.

Section 3. Ordinance No. 3297 is hereby repealed.

Section 4. This Ordinance shall be in full force and effect from and after its adoption by the governing body and publication once in the official City newspaper.


PASSED by the Governing Body of the City on October 13, 1998.



Mayor

(SEAL)

ATTEST:



City Clerk

ORDINANCE NO. 3300

**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;

WHEREAS, the following described land meets one or more of the conditions prescribed by K.S.A. 12-520(a)(1-6); 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:**

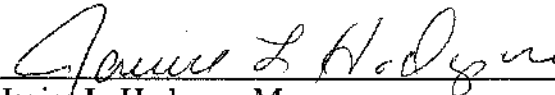
Section 1. The following described parcels of land, meeting the conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed to and made a part of the City of Garnett, Kansas:

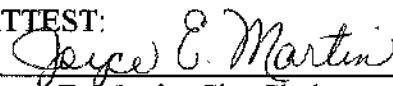
1. Beginning at the Southwest corner of the East Half (E/2) of the Southeast Quarter (SE/4) of Section Twenty-Four (24), Township Twenty (20), Range Nineteen (19), thence East 200 feet, thence North 309.3 feet, thence West 200 feet, thence South 309.3 feet to place of beginning, Anderson County, Kansas; containing 1.42 acres, more or less.

2. Beginning at the Northwest 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 South 628 feet, thence East 75 feet, thence North 628 feet, thence West 75 feet to the place of beginning, Anderson County, Kansas; containing 1.08 acres, more or less.

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

PASSED by the Governing Body of the City of Garnett, Kansas this 12th day of January, 1999.


Janice L. Hodgson, Mayor

ATTEST:

Joyce E. Martin, City Clerk

ORDINANCE NO. 3303

AN ORDINANCE LEVYING A CITY RETAILERS' SALES TAX IN THE AMOUNT OF ONE-HALF OF ONE PERCENT (0.5%) WITHIN THE CITY OF GARNETT, FOR THE PURPOSE OF LIBRARY BUILDING EXPANSION; PARK AND RECREATION MAINTENANCE AND IMPROVEMENTS AND STREET MAINTENANCE AND IMPROVEMENTS EFFECTIVE JANUARY 1, 1999.

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

SECTION 1: A majority of the electors voting thereon having approved a special question submitted at the general election held on the 3rd day of November, 1998, the levying of a retailers' sales tax in the City of Garnett, for the purpose of library building expansion; park and recreation maintenance and improvements and street maintenance and improvements, as authorized by K.S.A. 12-187 et seq., as amended, there is hereby levied a city retailers' sales tax in the amount of one-half of one percent (0.5%) to take effect on the 1st day of January, 1999.

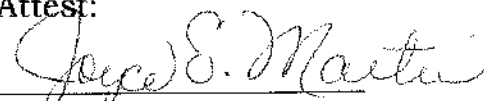
SECTION 2: Except as may otherwise be provided by law, such tax shall be identical in its application and exemptions therefrom to the Kansas Retailers' Sales Tax Act and all laws and administrative rules and regulations of the Kansas Department of Revenue relating to the state retailers' sales tax shall apply to such city retailers' sales tax insofar as such laws and regulations may be made applicable. The services of the Department of Revenue shall be utilized to administer, enforce and collect such tax.

SECTION 3: This ordinance shall be published in an official city newspaper, and a copy duly certified shall be submitted to the State Director of Taxation.

PASSED this 10th day of November, 1998.


MAYOR

Attest:


City Clerk

ORDINANCE NO. 3306

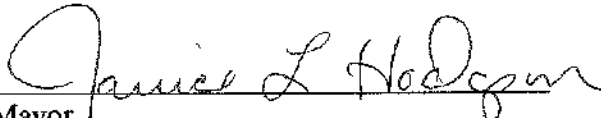
AN ORDINANCE REPEALING ORDINANCE NO. 2156.

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

SECTION 1: Ordinance 2156 of the City of Garnett, Kansas, 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 8th day of December, 1998.



Mayor

Attest:



City Clerk

ORDINANCE NO. 3307

AN ORDINANCE REGULATING CERTAIN MAXIMUM SPEED LIMITS OF MOTOR VEHICLES; AMENDING TITLE 10, CHAPTER 4, SECTION 1(C)(6) OF THE MUNICIPAL CODE, AS AMENDED BY ORDINANCE NO. 3291; AND REPEALING EXISTING SECTION; SAVING CLAUSE.

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

Section 1. Title 10, Chapter 4, Section 1(C)(6) of the Municipal Code is hereby amended to read as follows:

10-4-1: MAXIMUM LIMITS: . . .

(C) 6. 30 miles per hour on any roadway within any park within the City or owned by the City.

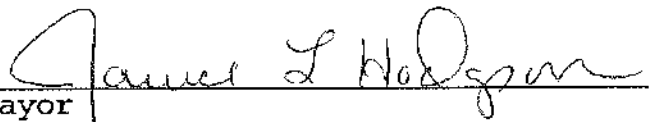
Section 2. Title 10, Chapter 4, Section 1(C)(6), as amended by Ordinance 3291, of the Municipal Code is hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this ordinance charging a violation under any section of the code or any other ordinance repealed 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 3. No person shall operate a vehicle at a speed in excess of 15 miles per hour in the Garnett Municipal Cemetery.

Section 4. The official codifier for the city of Garnett, Kansas, is hereby instructed to insert the provisions of Section 3 of this ordinance into the city code as Title 10, Chapter 4, Section 1(C)(8).

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.

PASSED this 8th day of December, 1998.



Mayor

A T T E S T:



City Clerk

ORDINANCE No. 3309

AN ORDINANCE OFFICIALLY NAMING THAT CERTAIN MUNICIPAL PARK, BELONGING TO THE CITY OF GARNETT, KANSAS, AND INFORMALLY NOW CALLED AND KNOWN AS SOUTH PARK.

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

Section 1. That certain park owned by the City of Garnett, Kansas, and informally know called and known as South Park, being situated primarily upon the South Half (S½) of the Northwest Quarter (NW¼) of Section Thirty-one (31), Township Twenty (20) South, Range Twenty (20) East of the 6th P.M. and also upon several of the blocks of the Mandovi Addition to said City of Garnett, is hereby named, and henceforth shall be known as, "Veterans Memorial Park."

Section 2. The lake within the above described park, being of approximately sixteen and one half (16 1/2) surface acres and now known as Crystal Lake, shall continue to be named "Crystal Lake."

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 22nd day of December, 1998.

James L. Hodson
Mayor

ATTEST:

Jesse E. Martin
City Clerk

ORDINANCE NO. 3310

AN ORDINANCE REQUIRING REMOVAL OR TREATMENT OF ICE AND SNOW FROM CERTAIN SIDEWALKS; AMENDING TITLE 9, CHAPTER 2, SECTION 1 OF THE MUNICIPAL CODE, AND REPEALING EXISTING SECTION; ENACTING ADDITIONAL SECTIONS.

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

Section 1. Title 9, Chapter 2, Section 1 of the Municipal Code is hereby amended to read as follows:

9-2-1: SNOW AND ICE TO BE REMOVED:

(A) The owner or occupant of any lots abutting upon any public sidewalk

1. in any business or industrial zone of the city; or,
2. in any other zone if the lot or lots are, or have been in the next preceding twelve months, used for any business or commercial purpose

shall remove, or cause to be removed, therefrom all snow and ice within six hours from the time the snow fall or ice storm ceases. If the snow falls or ice accumulates in the nighttime, removal of the same shall be made within six hours after sunrise on the following day.

(B) No snow or ice removed from any private property anywhere in the city shall be placed or deposited

1. upon any public sidewalk or crosswalk upon any public street or highway; or,
2. upon any public street, alley or highway in such a way as to create a sight hazard or significantly impede the flow of vehicular traffic.

(C) Violation of this section shall be a misdemeanor and shall be punished as provided in the general penalty sections of this code.

Section 2. Title 9, Chapter 2, Section 1 of the Municipal Code, as presently exists, is hereby repealed.

Section 3. EXCEPTION; ALTERNATE REMEDY: Where there shall be ice or compacted snow on any sidewalk, the removal of which is required by Section 1 of this chapter, which is of such a

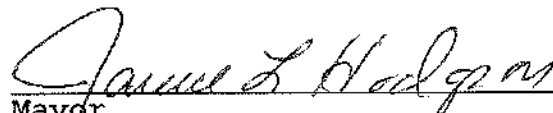
character as to make it practically impossible to remove the same, the sprinkling of ashes, sand or other non-corrosive chemicals, or combination thereof, thereon in such a manner as to make such sidewalk reasonably safe for pedestrian travel shall be deemed a sufficient compliance with the provisions of this chapter until the ice or compacted snow can be removed.

Section 4. REMOVAL MAY BE MADE BY THE CITY: If any owner or occupant shall refuse or neglect to comply with removal of snow or ice required by this chapter, in addition to whatever enforcement action may be taken in the municipal court, the city may cause such snow and ice to be removed and the cost thereof assessed against such abutting lot or lots in the manner provided in K.S.A. 12-1675e or the city may collect the cost in the manner provided by K.S.A. 12-1,115. The city may pursue collection by both levying a special assessment and in the manner provided by K.S.A. 12-1,115, but only until the full cost and any applicable interest has been paid in full.

Section 5. Section 3 and Section 4 shall be placed and numbered by the official city codifier in sequence in Title 9, Chapter 2 following Section 1 of said title and chapter.

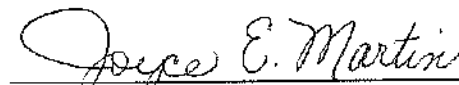
Section 6. This ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the city of Garnett.

PASSED this 12th day of January, 1999.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3312

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:

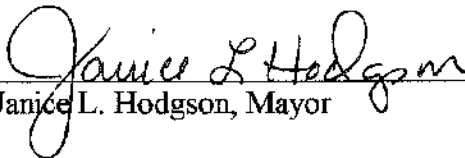
Section 1. The following described land to wit:

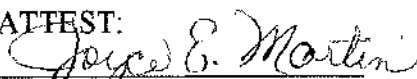
Beginning at the southeast corner of the Northwest Quarter (NW/4) of Section Twenty Five (25), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian, thence North 89° 55' 12" West for a distance of 98 feet along the south line of said Quarter Section, thence North 00° 08' 59" West for a distance of 444.49 feet, thence South 89° 55' 12" East for a distance of 98 feet to a point on the east line of said Quarter Section, thence South 00° 08' 59" East for a distance of 444.49 feet along the said East line to the point of beginning, said property contains 1.00 acre, more or less, in Anderson County, Kansas;

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 9th day of February, 1999.


Janice L. Hodgson, Mayor

ATTEST:

Joyce E. Martin, City Clerk

ORDINANCE NO. 3313

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 all of 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:

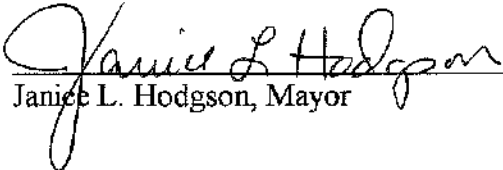
Section 1. The following described land to-wit:

Beginning at a point 300 feet east of the southwest corner of the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence North 300 feet, North 35° 43' 3" East 232 feet, thence Northwesterly along the existing east boundary of the City of Garnett, Kansas to a point at which the east right-of-way line of Links Drive intersects therewith, thence South 74° 38' 57" East 880 feet, more or less, to the west right-of-way line of the county road right-of-way, being approximately 33 feet west of section line, thence South 309 feet, more or less, to a point 33 feet due west of the northeast corner of the Southeast Quarter (SE/4) of said Section Nineteen (19), thence West to 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 9th day of February, 1999.


Janice L. Hodgson, Mayor

ATTEST:

Joyce E. Martin, City Clerk

ORDINANCE NO. 3316

AN ORDINANCE AMENDING TITLE IV, CHAPTER 1 OF THE MUNICIPAL CODE; ADOPTING THE UNIFORM ADMINISTRATIVE CODE PROVISIONS FOR THE NATIONAL ELECTRICAL CODE (Ed. of 1996); ADOPTING THE NATIONAL ELECTRICAL CODE (Ed. of 1999); ADOPTING FEES APPLICABLE TO PERMITS REQUIRED FOR ELECTRICAL WORK; REPEALING TITLE IV, CHAPTER 1 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS AS THE SAME PRESENTLY EXISTS; SAVING CLAUSE.

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

Section 1. Title IV, Chapter 1, Section 1 of the municipal code, City of Garnett, Kansas is hereby amended to read as follows:

4-1-1: ADOPTION OF UNIFORM ADMINISTRATIVE CODE PROVISIONS FOR THE NATIONAL ELECTRICAL CODE (Ed. of 1996): The Uniform Administrative Code Provisions for the National Electrical Code (Ed. of 1996), as prepared by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, 90601-2298, is hereby adopted and incorporated by reference for the City of Garnett, Kansas. Not fewer than three copies of the said Uniform Administrative Code Provisions for the National Electric Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3316" and to which shall be attached a copy of said ordinance. Copies of the code thus marked shall be filed with the City Clerk.

Section 2. Title IV, Chapter 1, Section 2 of the municipal code, City of Garnett, Kansas is hereby amended to read as follows:

4-1-2: ADOPTION OF NATIONAL ELECTRICAL CODE: The National Electrical Code, 1999 Edition, as prepared and published by the National Fire Protection Association, Inc., One Batterymarch Park, Quincy, Massachusetts, 02269, is hereby adopted and incorporated by reference as the electrical wiring code for the City of Garnett, Kansas. Not fewer than three copies of the said National Electrical Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3316" and to which shall be attached a copy of said ordinance. Copies of the code thus marked shall be filed with the City Clerk.

Section 3. Title IV, Chapter 1, Section 3 of the municipal code is hereby amended to read as follows:

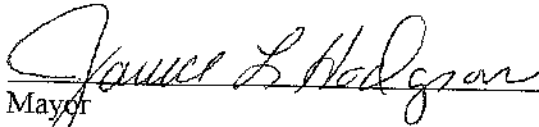
4-1-3: ELECTRIC PERMIT FEE:

- | | | | |
|----|------------------------------------------------------------------------------------------------------------------------------|---------|---------|
| A. | Commercial/Industrial/Multi-Family Fee: | New | \$50.00 |
| | | Upgrade | \$15.00 |
| B. | One and Two family Dwelling Units Fee: | New | \$25.00 |
| | | Upgrade | \$10.00 |
| C. | Permit fees for garages and out buildings shall be the same as the remodel/upgrade fee for the category that it falls under. | | |

Section 4. REPEALER: Title IV, Chapter 1, Sections 1-4, inclusive, of the Municipal Code of the City of Garnett, Kansas, as the same presently exist, and all other municipal enactments in conflict with this Ordinance, are hereby repealed; provided, however, any case pending before the Municipal Court upon the effective date of this Ordinance but charging a violation under any section of the Code or any Ordinance hereby repealed shall stay the effectiveness of such repealer with respect to such cases, and such cases shall be prosecuted to conclusion upon the same terms and conditions as if the original Ordinances or Code Sections had not been repealed.

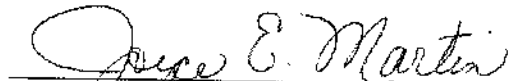
Section 5. EFFECTIVE DATE: This ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 9TH day of March, 1999.



Mayor

Attest:



City Clerk

ORDINANCE NO. 3317

"AN ORDINANCE AUTHORIZING THE EXECUTION OF A GAS ACQUISITION PREPAYMENT PROGRAM PARTICIPATION AGREEMENT WITH THE KANSAS MUNICIPAL GAS AGENCY AND ALL NECESSARY DOCUMENTS WITH RESPECT THERETO, INCLUDING AN AMENDMENT TO THE EXISTING GAS ACQUISITION MANAGEMENT PROJECT PARTICIPATION AGREEMENT, AND PROVIDING FOR THE PLEDGE OF THE REVENUES OF THE ELECTRIC UTILITY SYSTEM AND NATURAL GAS UTILITY SYSTEM OF THE CITY TO SECURE SUCH AGREEMENT."

WHEREAS, pursuant to an Interlocal Cooperation Agreement, certain Kansas municipalities, including the City of Garnett, Kansas, have joined together under the provisions of K.S.A. 12-2901 et seq. (the "Act"), to organize and create the Kansas Municipal Gas Agency ("KMGA"); and

WHEREAS, KMGA has implemented a certain Gas Acquisition Management Project (the "Project") for the purpose of providing an economic means of long-term natural gas acquisition and transportation for the mutual benefit of certain members and affiliate members participating in the Project (the "Project Participants"); and

WHEREAS, KMGA acts on behalf of the Project Participants to acquire natural gas, effect the transportation and delivery of the acquired natural gas to the Project Participants and provide other management services related to the Project; and

WHEREAS, as part of the Project, the City and KMGA entered into a Gas Acquisition Management Project Participation Agreement (the "Participation Agreement") dated March 24, 1992.

WHEREAS, as a part of and supplementing the Project, KMGA has developed a Gas Acquisition Prepayment Program (the "Program") in order to provide for a long-term fixed-price acquisition of natural gas to provide not more than fifty (50) percent of the projected Gas requirements ("Program Gas") for certain member cities of KMGA (the "Program Participants") who (a) are also participants in the Project or (b) will purchase an amount equal to fifty percent (50%) of their projected Gas requirements; and

WHEREAS, in order to provide for funds to accomplish the prepayment of Program Gas, KMGA will issue its revenue bonds (the "Bonds") which will be secured by an assignment of KMGA's rights under a Gas Acquisition Prepayment Program Agreement with the City and similar agreements with other Program Participants; and

WHEREAS, the City is a qualified member in KMGa and owns and operates an electric utility system and a natural gas utility system which utilize natural gas; and

WHEREAS, the City desires to participate in the Program and receive benefits from combined acquisition and prepayment of natural gas and related agreements with other KMGa members; and

WHEREAS, K.S.A. 12-825j authorizes the City to enter into contracts with any person, firm, corporation or other municipality for the acquisition of natural gas upon such terms as may be deemed necessary and reasonable by the governing body of the City; provided such contracts shall not exceed a period of forty years and shall not be payable by the levy of any tax; and

WHEREAS, it is necessary to extend the term of the Participation Agreement.

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

SECTION 1. It is hereby deemed advisable and in the best interest of the City that the City participate in the Program.

SECTION 2. The Mayor and City Clerk are hereby authorized and directed to execute the Participation Agreement on behalf of the City substantially in the form presented to the governing body this date; provided that the average effective cost of Program Gas under the Participation Agreement, including the price of gas and financing costs, but excluding costs of transportation and management fees, if any, shall not exceed \$2.05/MmBTU for the months of May through October, inclusive, and \$2.30/MmBTU for the months November through April, inclusive of each year.

SECTION 3. The revenues of the natural gas utility system of the City (the "System") are hereby pledged for the repayment of the obligations of the City under the Participation Agreement.

SECTION 4. The City agrees to fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the System, as will produce revenues sufficient to enable the City to fulfill its obligation under the Participation Agreement.

SECTION 5. The term of the Participation Agreement is hereby extended to April 30, 2010.

SECTION 6. The Mayor and City Clerk and other officials of the City are hereby further authorized and directed to execute an amendment to the Participation Agreement to extend the term thereof to April 30, 2010 and 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 this Ordinance.

SECTION 7. This Ordinance shall be in force and take effect from and after its adoption and publication once in the official newspaper of the City.

ADOPTED by the governing body of the City of Garnett, Kansas, on March 9, 1999.

(Seal)

ATTEST:

Joyce E. Martin
City Clerk

James L. Hodgson
Mayor

ORDINANCE NO. 3319

AN ORDINANCE AMENDING ARTICLE 10, SECTION 5 OF ORDINANCE 3059 OF THE CITY OF GARNETT, BEING THAT PORTION OF THE GENERAL ZONING REGULATIONS OF SAID CITY WHICH ADDRESSES TIME LIMITS OF SPECIAL USE PERMITS; REPEALING EXISTING SECTION OF SAID ARTICLE 10

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

SECTION 1: Article 10, Section 5 of the Municipal Code is hereby amended to read as follows:

5. Time Limit:

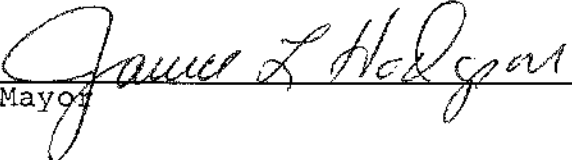
A. **Sunset:** A special use permit shall expire, unless a building permit is applied for within twelve (12) months after such permit is granted, under which permit the specially permitted use is to be built or constructed; or if no building permit is required, evidence of use is filed with the building inspector.

B. **Abandonment:** Once a specially permitted use ceases or is abandoned for a period of more than twelve (12) months, the special use permit shall expire. In the case of a special use permit granted for an auto salvage yard, such permit shall automatically expire if the state license for operating such auto salvage yard lapses for a period of time of more than six (6) months.

SECTION 2: Article 10, Section 5 of Ordinance 3059, 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 23rd day of March, 1999.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3321

AN ORDINANCE ADOPTING THE UNIFORM MECHANICAL CODE, ED. OF 1997, AND ADOPTING FEES APPLICABLE TO PERMITS REQUIRED FOR MECHANICAL WORK

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

Section 1. ADOPTION OF UNIFORM MECHANICAL CODE: For the purpose of establishing rules and regulations for the design, construction, installation and maintenance of heating, ventilating, cooling and refrigeration systems; incinerators and other heat-producing appliances that certain code known as the "Uniform Mechanical Code", 1997 Edition, published by the International Conference of Building Officials, 5360 Workman Mill Road, Whittier, California, 90601-2298, is hereby adopted and incorporated by reference for the City of Garnett, Kansas. Not fewer than three copies of the said Uniform Mechanical Code Provisions shall be marked or stamped "Official Copy as Adopted by Ordinance No. 3321" and to which shall be attached a copy of said ordinance. Copies of the code thus marked shall be filed with the City Clerk.

Section 2. MECHANICAL PERMIT FEE: The following fees shall be charged to administer this code:

A. Commercial/Industrial/Multi-Family Fee:	New	\$50.00
	Upgrade	\$15.00
B. One and Two family Dwelling Units Fee:	New	\$25.00
	Upgrade	\$10.00

C. Permit fees for garages and out buildings shall be the same as the upgrade fee for the category that it falls under.

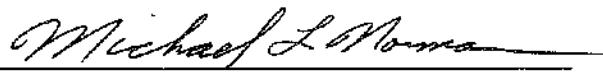
D. The fee schedule set out in the Uniform Mechanical Code is abrogated, and the fees stated in this section shall prevail. Any references in the Uniform Mechanical Code to fees for code administration shall be deemed to refer to this section.

Section 3. OFFICE OF INSPECTION: It shall be the duty and responsibility of the City Manager or his designated agent or agents to supervise and enforce the provisions of the Uniform Mechanical Code.

Ordinance No. 3321
Page Two

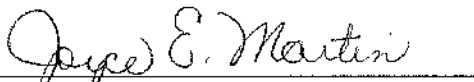
Section 4. EFFECTIVE DATE: This ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 13th day of April, 1999.



Mayor

Attest:



City Clerk

ORDINANCE NO. 3323

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:

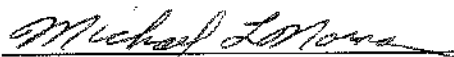
Lot 21 and West half of Lot 22, Block 67 in the City of Garnett;

is hereby changed from "O-I Office and Institutional 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 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 27th day of April, 1999.



Mayor

Attest:



City Clerk

ORDINANCE NO. 3326

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:

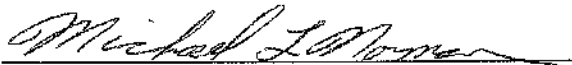
Beginning at the northwest corner of the Veterinary Hospital Addition to the City of Garnett, Anderson County, Kansas, thence East 544 feet, thence North 180 feet, thence West 544 feet, thence South 180 feet to the place of beginning, all being located in the Southeast Quarter (SE/4) of Section Twenty-four (24), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian;

is hereby changed from "A-1 Agricultural District" to "R-1 Residential-Low Density 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 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 25th day of May, 1999.



Mayor

Attest:



City Clerk

(Published in the Anderson County Advocate on 6/03/99)

ORDINANCE NO. 3327

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$1,500,000 PRINCIPAL AMOUNT OF COMBINED UTILITY REVENUE BONDS, SERIES 1999, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COSTS OF ALTERATIONS, REPAIRS, EXTENSIONS, ENLARGEMENTS AND IMPROVEMENTS TO THE COMBINED UTILITY SYSTEM OF THE CITY; AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO.

WHEREAS, the city of Garnett, Kansas (the "City"), is a municipal corporation duly created, organized and existing under the laws of the state of Kansas (the "State"); and

WHEREAS, the City is authorized under the provisions of the Act (as hereinafter defined), to issue and sell revenue bonds for the purpose of paying all or part of the cost of making alterations, repairs, extensions, enlargements and improvements to the Combined Utility System (as hereinafter defined), 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. 1/26/99-1 declared its intention under the Act to make alterations, repairs, extensions, enlargements and improvements to the Combined Utility System by expanding the north electric substation and acquiring and installing a peaking electric generator (the "Project") at an estimated cost of \$1,500,000 and to issue combined utility revenue bonds in an amount of not to exceed \$1,500,000; 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 City Clerk within 15 days after said publication date all as set forth in the Act; 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 City Clerk, the amount of said estimated cost being not less than \$1,500,000; and

WHEREAS, the City does not have outstanding any bonds or other obligations payable from the revenues derived by the City from the operation of the Combined Utility System, other than the Series 1992 Bonds and the Series 1998 Bonds (as hereinafter defined); and

WHEREAS, the City hereby finds and determines that it is necessary to authorize the issuance of the Bonds (as hereinafter defined) for the purposes set forth herein; 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 the words and terms defined elsewhere in this Ordinance or the Resolution (hereinafter defined), the following words and terms as used in this Ordinance shall have the following meanings:

"Act" shall mean the Constitution and all applicable statutes of the State including but not limited to K.S.A. 10-1201 et seq., as amended.

"Additional Bonds" shall mean any bonds hereinafter issued pursuant to Article IX of the Resolution.

"Bonds" means the City's Combined Utility Revenue Bonds, Series 1999, dated June 1, 1999, in the aggregate principal amount of \$1,500,000 authorized and issued pursuant to this Ordinance.

"City" means the city of Garnett, Kansas.

"City Clerk" shall mean the duly appointed and acting City Clerk or, in the City Clerk's absence, the duly appointed Deputy City Clerk or Acting City Clerk of the City.

"Code" means the Internal Revenue Code of 1986, as amended, together with any regulations applicable thereto or promulgated thereunder by the United States Department of the Treasury.

"Combined Utility System" means the electric generating plants and all appurtenances thereto, the electric distribution system now serving the City and its inhabitants and others, together with all extensions, improvements, additions and enlargements thereto hereafter made or acquired by the City; the entire waterworks plant and sewage system owned and operated by the City for the production, storage, treatment and distribution of water and the collection and treatment 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; and the gas system owned and operated by the City for the distribution of 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.

"Current Expenses" means all necessary expenses of operation, maintenance and repair of the Combined Utility System, including, current maintenance charges, expenses of reasonable upkeep and repairs, properly allocated share of charges for insurance, and all other expenses incident to the operation of the Combined Utility System, but shall exclude debt service payments on any bonds or other long-term obligations payable from the revenues of the Combined Utility System, depreciation, all general administrative expenses of the City not related to the operation of the Combined Utility System, and the payments into the Bond Reserve Account and Depreciation and Replacement Account provided for and defined in the Resolution.

"Net Revenues" means Gross Revenues less Current Expenses.

"Ordinance" means this ordinance as from time to time amended in accordance with the terms hereof.

"Parity Bonds" means the Bonds, the Series 1992 Bonds, the Series 1998 Bonds and any bonds hereinafter issued pursuant to Sections 902 or 904 of the Resolution.

"Project" means the alterations, repairs, extensions, enlargements and improvements to be made to the Combined Utility System described in Resolution No. 1/26/99-1 of the City and referred to in the Preamble to this Ordinance.

"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.

"Series 1992 Bonds" means the Combined Utility Refunding and Improvement Revenue Bonds, Series 1992.

"Series 1992 Ordinance" means, collectively, Ordinance No. 3020 and Resolution No. 7/30/92-1 of the City, both adopted on July 30, 1992, with respect to the issuance of the Series 1992 Bonds.

"Series 1998 Bonds" means the Combined Utility System Refunding and Improvement Revenue Bonds, Series 1998, of the City.

"Series 1998 Ordinance" means, collectively, Ordinance No. 3262 and Resolution No. 4/2/98-1 of the City, both adopted on April 2, 1998, with respect to the issuance of the Series 1998 Bonds.

"State" means the state of Kansas.

Section 2. Authorization of the Bonds. There shall be issued and are hereby authorized and directed to be issued the Bonds of the City in the principal amount of \$1,500,000 for the purpose of providing funds to pay the costs of the Project.

Section 3. Security for the Bonds. The 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. The taxing power of the City is not pledged to the payment of the Bonds either as to principal or interest. The 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.

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 Resolution hereinafter adopted by the governing body of the City.

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 Combined Utility System, including all alterations, repairs, extensions, enlargements and improvements thereto hereafter constructed or acquired by the City, as will produce revenues sufficient to (a) pay the cost of the operation and maintenance of the Combined Utility System; (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 Bonds and the interest thereon and for the protection and benefit of the Combined Utility System of the City as provided in this Ordinance and the Resolution.

Section 6. Tax Covenants.

(a) The City covenants that (1) 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 Bonds, and (2) 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.

(b) The City covenants that (1) it will use the proceeds of the Bonds as soon as practicable for the purposes for which the Bonds are issued, and (2) it will not invest or directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City in any manner, or take or omit to take any action, that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code.

(c) The City covenants that it will pay or provide for the payment from time to time of all rebatable arbitrage to the United States pursuant to Section 148(f) of the Code and the Arbitrage Instructions. This covenant shall survive payment in full or defeasance of the Bonds. The Arbitrage Instructions may be amended or replaced if, in the opinion of Bond Counsel, such amendment or replacement will not adversely affect the exclusion from federal gross income of the interest on the Bonds.

(d) The City covenants that it will not use any portion of the proceeds of the Bonds, including any investment income earned on such proceeds, directly or indirectly, (1) in a manner that would cause any Bond to be a "private activity bond" within the meaning of Section 141(a) of the Code, or (2) to make or finance a loan to any Person.

Section 7. Further Authority. The Mayor, City Clerk and other City officials are authorized and directed to execute such documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Ordinance.

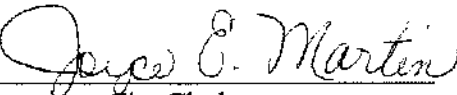
Section 8. Governing Law. The Ordinance and the Bonds shall be governed by and construed in accordance with the applicable laws of the State.

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 newspaper of the City.

PASSED by the governing body of the City on May 25, 1999.

(SEAL)

ATTEST:



City Clerk



Mayor

ORDINANCE NO. 3329

AN ORDINANCE VACATING A PART OF SIXTH AVENUE IN LIZER 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.

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 Lizer Addition to the City of Garnett, Kansas, is hereby vacated as a public street, to-wit:

All that part of Sixth Avenue lying adjacent to and south of Lot 1, Block 2 and Lot 1, Block 1 of the Lizer Addition to the City of Garnett, Kansas, as not already vacated, being a strip of ground approximately 23.5 feet in width north and south and 99 feet in length east and west; and a strip of ground 23.5 feet in width north and south and 79 feet in length east and west.

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 days, this ordinance shall become effective.

SECTION 3: 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.

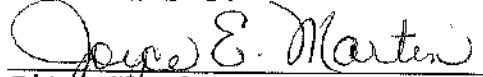
SECTION 4: This ordinance shall take effect and be in force from and after its publication in an official newspaper of the City of Garnett, Kansas, and after expiration of the time provided in Section 2 hereof.

PASSED this 8th day of June, 1999.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3331

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,

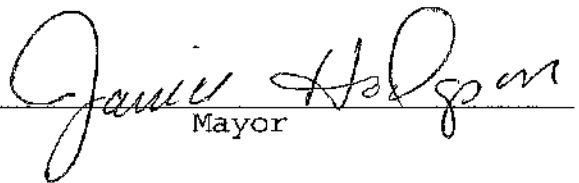
WHEREAS, The continuance of these unpaid bills is an unnecessary accounting procedure and expense to the City.

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 \$6,224.48 incurred through December 31, 1998 are hereby deleted from the City's accounting records.

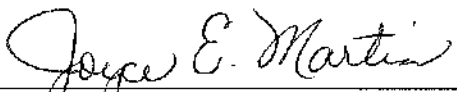
Section 2. That this Ordinance shall take effect from and after its publication in the official City newspaper.

PASSED and APPROVED this 22nd day of June, 1999.



Mayor

Attest:



City Clerk

<u>Name</u>	<u>\$ Amount</u>
Cyndie Anderson	\$ 395.54
Stephen D. Ashburn	469.86
Linda A. Brazil	122.48
Susan Clelland	358.15
James E. Crider	44.17
Alan Clayton Crismas	354.24
Brandon Lee Crites	129.71
Sarah Crites	230.18
William E. Curtis	102.35
Beverly and Charles Freeman	437.12
Christy L. Graham	59.63
Debbie Griggs	51.34
Patricia D. Hayden	87.70
Trevor Hays	261.92
Terrie Herrell	149.23
Regina Hitchcock	56.45
Christphor F. Jahr	133.97
Mitchell C. Lynn	22.40
John W. Mains	523.44
Donald C. Maupin Jr.	498.52
Camille Moody	896.27
Misty Pollock and Eric Mersman	67.33
Jeanette Roberts	378.07
Donna M. Sanders	8.35
Ruby Skaggs	74.48
Dorr Wayne Snyder	171.25
Joe and Jennifer Stanfield	98.03
Adam Leif Sutton	15.05
James L. Williams	27.25
Total	\$6,224.48

ORDINANCE NO. 3335

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	\$.090 per kWh
Next	920 kWh per month at	\$.087 per kWh
Over	1,000 kWh per month at	\$.085 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	\$.090 per kWh
Next	920 kWh per month at	\$.086 per kWh
Over	1,000 kWh per month at	\$.084 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	\$.077 per kWh
Next	9,000 kWh per month at	\$.075 per kWh
Next	50,000 kWh per month at	\$.071 per kWh
Next	50,000 kWh per month at	\$.066 per kWh
Next	50,000 kWh per month at	\$.062 per kWh
Over	160,000 kWh per month at	\$.057 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 \$0.10 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)

\$6.00 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.

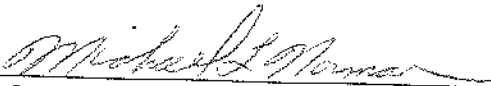
(G) Municipal Plumbing Service: The rate for energy supplied under this classification shall be computed according to the following table and accumulated for annual billing:

Water pumping, at	\$.0265 per kWh
Sewage disposal, at	\$.0216 per kWh

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

SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas; the rates provided in this Ordinance shall become applicable and applied to all billings for electric utility services issued by the City of Garnett, Kansas after August 1, 1999.

PASSED This 10th day of August, 1999.



Mayor

Ordinance
Page 5

ATTEST:

Joseph E. Martin
City Clerk

ORDINANCE NO. 3336

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 5 OF THE MUNICIPAL CODE DEFINING THE CRIME OF COMPOUNDING AN OFFENSE; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER

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

SECTION 1: Title 6, Chapter 1, Section 5 of the Municipal Code is hereby amended to read as follows:

6-1-5: COMPOUNDING AN OFFENSE: Compounding an offense is accepting or agreeing to accept anything of value as consideration for a promise not to initiate or aid in the prosecution of a person who has committed an offense. Compounding an offense is hereby declared to be unlawful.

SECTION 2: Title 6, Chapter 1, Section 5 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 10th day of August, 1999.

Michael J. Morris
Mayor

A T T E S T:

Jayce E. Martin
City Clerk

ORDINANCE NO. 3337

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 16 OF THE MUNICIPAL CODE DEFINING THE CRIME OF FALSELY REPORTING AN OFFENSE; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER

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


SECTION 1: Title 6, Chapter 1, Section 16 of the Municipal Code is hereby amended to read as follows:

6-1-16: FALSELY REPORTING AN OFFENSE: Falsely reporting an offense is informing a law enforcement officer that an offense has been committed, knowing that such information is false and intending that the officer shall act in reliance upon such false information. Falsely reporting an offense is hereby declared to be unlawful.

SECTION 2: Title 6, Chapter 1, Section 16 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 10th day of August, 1999.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3338

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 17 OF THE MUNICIPAL CODE DEFINING THE CRIME OF FALSE IMPERSONATION; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER

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

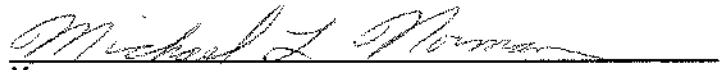
SECTION 1: Title 6, Chapter 1, Section 17 of the Municipal Code is hereby amended to read as follows:

6-1-17: FALSE IMPERSONATION: False impersonation is representing ones self to be a public officer or employee or a person licensed to practice or engage in any profession or vocation for which a license is required by the laws of the State of Kansas, with knowledge that such representation is false. False impersonation is hereby declared unlawful.

SECTION 2: Title 6, Chapter 1, Section 17 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 10th day of August, 1999.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3339

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 21 OF THE MUNICIPAL CODE DEFINING THE CRIME OF PERJURY; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER

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

SECTION 1: Title 6, Chapter 1, Section 21 of the Municipal Code is hereby amended to read as follows:

6-1-21: PERJURY: Perjury is intentionally, knowingly, and falsely:

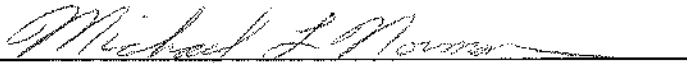
- (a) Swearing, tesifying, affirming, declaring, or subscribing to any material fact upon any oath or affirmation legally administered in any cause, matter, or proceeding before any court, tribunal, public body, notary public, or other officer authorized by law to administer oaths; or
- (b) Subscribing as true and correct under penalty of perjury any material matter in any declaration, verification, certificate, or statement as permitted by K.S.A. 53-601 and amendments thereto.

Perjury is hereby declared unlawful.

SECTION 2: Title 6, Chapter 1, Section 21 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 10th day of August, 1999.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3340

**AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 23 OF
THE MUNICIPAL CODE DEFINING THE CRIME OF UNLAWFUL
POSTING OF PICTURES AND ADVERTISEMENTS; REPEALING
EXISTING SECTION OF SAID TITLE AND CHAPTER**

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

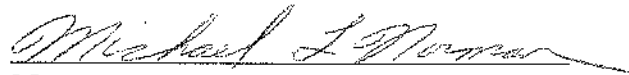
SECTION 1: Title 6, Chapter 1, Section 23 of the Municipal Code
is hereby amended to read as follows:

6-1-23: UNLAWFUL POSTING OF PICTURES AND
ADVERTISEMENTS: Unlawful posting of pictures and
advertisements is the putting up, affixing, or fastening of
either or both a picture or an advertisement to a telegraph,
telephone, electric light or power or other utility or signal
pole. Posting of such pictures and advertisements is hereby
declared unlawful.

SECTION 2: Title 6, Chapter 1, Section 23 of the Municipal Code,
as the same presently exists, is hereby repealed.

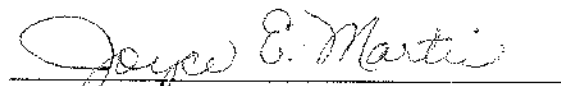
SECTION 3: This Ordinance shall take effect and be in force from
and after its passage and its publication in an official newspaper of the
City of Garnett, Kansas.

PASSED This 10th day of August, 1999.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3341

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTIONS 11, 12, AND 13 OF THE MUNICIPAL CODE REGULATING PROSTITUTION AND REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER

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

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

6-1-11: PROSTITUTION: Prostitution is performing for hire, or offering or agreeing to perform for hire where there is an exchange of value, any of the following acts:

- (a) Sexual intercourse;
- (b) Sodomy; or
- (c) Manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another.

Prostitution is hereby declared to be unlawful.

SECTION 2: Title 6, Chapter 1, Section 12 of the Municipal Code is hereby amended to read as follows:

6-1-12: PROMOTING PROSTITUTION: Promoting prostitution is:

- (a) Establishing, owning, maintaining, or managing a house of prostitution or participating in the establishment, ownership, maintenance, or management thereof;
- (b) Permitting any place partially or wholly owned or controlled by the defendant to be used as a house of prostitution;
- (c) Procuring a prostitute for a house of prostitution;
- (d) Inducing another to become a prostitute;
- (e) Soliciting a patron for a prostitute or for a house of prostitution;
- (f) Procuring a prostitute for a patron;
- (g) Procuring transportation or paying for the transportation of or transporting a person within this City with the intention of assisting or promoting that person's engaging in prostitution;
or

- (h) Being employed to perform any act which is prohibited by this section.

Promoting prostitution is hereby declared to be unlawful.

SECTION 3: Title 6, Chapter 1, Section 13 of the Municipal Code is hereby amended to read as follows:

6-1-13: PATRONIZING A PROSTITUTE: Patronizing a prostitute is either:

(a) Knowingly entering or remaining in a house of prostitution with intent to engage in sexual intercourse, sodomy, or any unlawful sexual act with a prostitute; or


(b) Knowingly hiring a prostitute to engage in sexual intercourse, sodomy, or any unlawful sexual act.

Patronizing a prostitute is hereby declared to be unlawful.

SECTION 4: Title 6, Chapter 1, Sections 11, 12, and 13 of the Municipal Code, as the same presently exist, are hereby repealed.

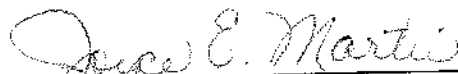
SECTION 5: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED This 10th day of August, 1999.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3342

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 9 OF THE MUNICIPAL CODE DEFINING THE CRIME OF LEWD AND LASCIVIOUS BEHAVIOR; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER

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

SECTION 1: Title 6, Chapter 1, Section 9 of the Municipal Code is hereby amended to read as follows:

6-1-9: LEWD AND LASCIVIOUS BEHAVIOR: Lewd and lascivious behavior is:

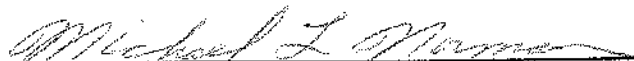
- (a) engaging in sexual intercourse or sodomy with any person or with any animal with knowledge or reasonable anticipation that the participants are being viewed by others;
- (b) the exposure of a sex organ in a public place, or in the presence of a person who is not the spouse of the offender and who has not consented thereto, with the intent to arouse or gratify the sexual desires of either the offender or another; or
- (c) engaging in masturbation or any other manual or similar bodily contact stimulation of the genitals of any person in a public place or with knowledge or reasonable anticipation that the participants are being viewed by others.

Lewd and lascivious behavior is hereby declared to be unlawful.

SECTION 2: Title 6, Chapter 1, Section 9 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 10th day of August, 1999.



Mayor

A T T E S T:



City Clerk

ORDINANCE No. 3343

AN ORDINANCE PROHIBITING THE PARKING OF RECREATIONAL VEHICLES ON RESIDENTIAL STREETS; PROVIDING LIMITED EXCEPTION THERETO.

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. No person shall stand or park any recreational vehicle, including any trailer, semitrailer, motor home (including a converted bus, van or truck) or truck camper, upon any street or street right of way in any residential area, except as provided in the next section.

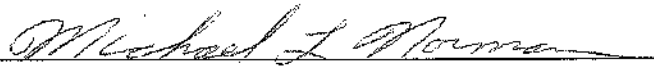
Section 2. For purposes of the bona fide loading or unloading of any recreation vehicle, such vehicle may be parked on a residential street or street right of way so long as:

- a. no stationary utility services are attached to it;
- b. no "slide-outs" are extended, if so equipped;
- c. such parking does not constitute a sight or other traffic hazard; and
- d. the duration of such parking does not exceed 6 hours in any twenty-four hour period.

Section 3. The city codifier is instructed to designate the provisions of this ordinance as Title 10, Chapter 2, Section 6 when inserting the same in the official code of the city of Garnett.

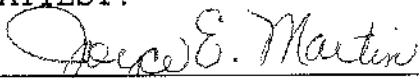
Section 4. This ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the city of Garnett, Kansas.

PASSED this 10th day of August, 1999.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3347

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. 4/14/98-1 OF THE CITY; AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS.

WHEREAS, the Governing Body of the City of 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 received waivers (the "Waivers") of public hearing and right to protest the levy of special assessment from the owners of 100% of the property liable for assessment for the cost of the Improvements; and

WHEREAS, the Governing Body 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 CITY OF GARNETT, KANSAS:

SECTION 1. Levy of Assessments. For the purpose of paying the costs of the following described Improvements:

Pave, curb and gutter new street to be known as Park Plaza North Street and to run from Park Road south and east to Pine in the City;

there are hereby levied and assessed the amounts (with such clerical or administrative amendments thereto as may be approved by the City Attorney) against the property described on *Exhibit A* 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.

SECTION 3. Notification. The City Clerk shall notify the owners of the properties described in *Exhibit A* attached hereto insofar as known to said City Clerk, of the amounts of their respective assessments; and, said notice shall further state that pursuant to the Waivers, bonds will be issued therefor, and the amount of such assessment will be collected in installments with interest.

SECTION 4. Certification. The special assessments shall be certified by the City Clerk to the County Clerk in the same manner and at the same time as other taxes are certified and will be collected over a period of 15 years, 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.

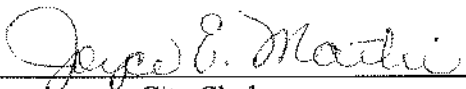
PASSED by the governing body of the City on September 14, 1999 and signed by the Mayor.

(SEAL)



Mayor

ATTEST:



City Clerk

EXHIBIT A

**PARK PLAZA NORTH STREET
RESOLUTION NO. 4/14/98-1**

Description of Property:

Beginning at the Northwest Corner of Lot Six (6) in Block Four (4) in Parkview Addition to the City of Garnett, Anderson County, Kansas, thence Southeasterly along the West side of Block Four (4) to the Southwest Corner of Lot Ten (10) in Block Four (4), thence East on the South side of Lot Ten (10) to the Southeast Corner of Lot Ten (10), thence Southeasterly along the West side of Blocks One (1), Two (2), and Three (3) of said Parkview Addition to the Southwest Corner of Lot One (1), in Block One (1), Parkview Addition, thence West to the East line of the right-of-way of the Atchison, Topeka and Santa Fe Railroad, thence Northwesterly along the East line of said right-of-way to the intersection of said right-of-way line with the North section line of Section Thirty (30), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence East on said section line to a point due North of said place of beginning, thence to place of beginning, LESS beginning at the Northwest Corner of Lot Four (4), Block Two (2), Parkview Addition to the City of Garnett, thence running West to the East right-of-way of the Atchison, Topeka and Santa Fe Railroad, thence South along said right-of-way to a point due West of the Southwest Corner of Lot One (1) in said Parkview Addition, thence East to the Southwest Corner of said Lot One (1) in Block One (1), thence North along the West side of Block One (1) and Two (2) in said Parkview Addition to the Place of Beginning; all being located in the Northeast Quarter (NE/4) of Section Thirty (30), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian in the City of Garnett, Kansas;

and,

Lots Six (6), Seven (7), Eight (8), Nine (9), and Ten (10) in Block Four (4) in Parkview Addition to the City of Garnett, Anderson County, Kansas

Amount of Assessment:

\$104,500

ORDINANCE NO. 3349

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CITY OF GARNETT, KANSAS, AMENDING TITLE 10, CHAPTER 7, SECTIONS 1, 2 and 3 OF THE MUNICIPAL CODE; ADOPTING AND INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", 1999 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", 1999 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. 3349 " 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 2 of the Municipal Code, is hereby amended to read as follows:

10-7-2: ADDITIONS: (Section reserved for future use.)

Section 3. 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 of the Standard Traffic Ordinance for Kansas Cities, edition of 1999, are hereby omitted.

Section 4: 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 5: Title 10, Chapter 7, Sections 1 through 3 inclusive 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 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 28th day of September, 1999.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3352

ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS TO ENTER INTO A MUNICIPAL LEASE PURCHASE AGREEMENT, AS LESSEE, WITH KANSAS STATE BANK, AS LESSOR, WITH RESPECT TO A STREET SWEEPER FOR USE BY THE CITY

WHEREAS, the City of Garnett, Kansas (the "City"), desires to obtain moneys to pay for the acquisition of a street sweeper for use by the City (the "Equipment"); and

WHEREAS, the City has accepted the proposal of Kansas State 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 Kansas State 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.

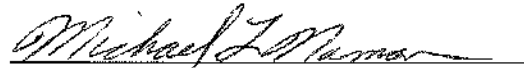
The obligation of the City to pay rental payments under the Lease is subject to annual appropriation, shall constitute a current expense of the City and shall not in any way be construed to be an indebtedness or liability of the City in contravention of any applicable constitutional or statutory limitation 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 26th day of October, 1999.



Mayor

[SEAL]

ATTEST:



City Clerk

ORDINANCE NO. 3353

AN ORDINANCE AUTHORIZING THE ISSUANCE AND DELIVERY OF \$234,500 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 1999, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PAYING THE COST OR A PORTION OF THE COST OF CERTAIN IMPROVEMENTS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

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

WHEREAS, pursuant to the Act (as hereinafter defined) and all other applicable provisions of the laws of the state of Kansas, the governing body of the City has caused the improvements herein identified to be undertaken in the City (such improvements and any Substitute Improvements as defined in this Ordinance to be referred to as the "Improvements"); and

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 is at least \$234,500, to be paid 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, the governing body of the City hereby finds and determines it is necessary for the City to authorize the issuance and delivery of its general obligation bonds in the principal amount of \$234,500 to pay the costs of the Improvements;

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

Section 1. Definitions of Words and Terms.

"Act" means the Constitution and all applicable statutes of the State including but not limited to K.S.A. 10-101 *et seq.*, K.S.A. 12-6a01 *et seq.*, K.S.A. 12-631r *et seq.* and K.S.A 14-523 *et seq.*, all as amended and supplemented.

"Authorized Cost" means the amount of expenditure for an Improvement which has been authorized to be paid by the City by a resolution or ordinance of the City, less (1) the amount of any notes or bonds of the City which are currently outstanding and available to pay the Authorized Cost, and (2) any Authorized Cost which have been previously paid by the City or by any eligible source of funds unless such amounts are entitled to be reimbursed under State and federal law.

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

"Bonds" means the General Obligation Bonds, Series 1999 authorized by this Ordinance in the aggregate principal amount of \$234,500 and dated November 1, 1999.

"City" means the City of Garnett, Kansas.

"City Clerk" means the appointed and acting City Clerk or, in the City Clerk's absence, the appointed and/or elected Deputy or Acting City Clerk of the City.

"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 following improvements and any Substitute Improvements:

Park Plaza North Street
Stormwater Project – North Maple

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

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

"State" means the state of Kansas.

"Substitute Improvement" means the substitute or additional improvement of the City as authorized by Section 504 of the resolution hereinafter adopted by the governing body with respect to the Bonds.

"Treasurer" means the appointed and acting Treasurer of the City or, in the Treasurer's absence, the appointed and/or elected Deputy or Acting Treasurer of the City.

Section 2. Authorization of and Security for the Bonds. These Bonds shall be issued for the purpose of providing funds to pay the Authorized Costs of the Improvements.

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 certain portions 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 shall be 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 3. 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 hereinafter adopted by the governing body of the City with respect to the Bonds.

Section 4. Levy and Collection of Annual Tax and Special Assessments. 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 referred to above shall be spread upon the tax rolls 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, and the proceeds derived from the taxes and/or assessments shall be deposited in the Bond and Interest Fund.

If at any time the 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 the principal or interest out of the general funds of the City and to reimburse the general funds for money so expended when the taxes and/or assessments are collected.

Section 5. Tax Covenants. The City covenants and agrees that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion of the interest on the Bonds from gross income for federal income tax purposes. The City covenants and agrees that it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purpose for which the Bonds are issued as previously set forth, and that it will not directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City, or take or omit to take any action that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code. To that end, the City will comply with all requirements of Section 148 of the Code to the extent applicable to the Bonds.

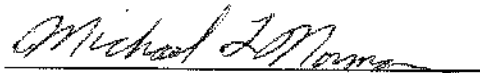
Section 6. Further Authority. The Mayor, City Clerk and other City officials are authorized and directed to execute such documents and take such actions as they may deem necessary or advisable in order to carry out the purposes of this Ordinance.

Section 7. Governing Law. The Ordinance and the Bonds shall be governed 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.

PASSED by the governing body of the City on October 26, 1999.

(SEAL)



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3354

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 following described land 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 situate in Anderson County, Kansas, to-wit:

A tract of land in the Northeast Quarter (NE $\frac{1}{4}$) of Section 29, Township 20 South, Range 20 East of the 6th P.M., being more particularly described as follows:

Beginning at the northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 29, Township 20 South, Range 20 East of the 6th P.M.;

THENCE North 90°00'00" East for a distance of 348.00 feet, deed and measured, along the north line of said quarter section;

THENCE South 18°23' East for a distance of 1112.00 feet, by deed, South 18°21'06" East for a distance of 1111.38 feet, measured;

THENCE South 07°34'54" East for a distance of 263.73 feet;

THENCE North 89°09'50" West for a distance of 493.80 feet;

THENCE South 00°50'10" West for a distance of 30.00 feet;

THENCE North 89°09'50" West for a distance of 36.00 feet;

THENCE North 00°50'10" East for a distance of 30.00 feet;

THENCE North 89°09'50" West for a distance of 200.59 feet to a point on the west line of the Northeast Quarter (NE $\frac{1}{4}$) of said Northeast Quarter (NE $\frac{1}{4}$);

THENCE North 00°06'18" West for a distance of 1305.63 feet along said west line to the POINT OF

BEGINNING;

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

Section 2: This addition to the city shall be commonly
called and known as "Walker 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 26th day of October, 1999.



Michael L. Norman, Mayor

A T T E S T:



Joyce E. Martin
City Clerk

ORDINANCE NO. 3358

AN ORDINANCE TEMPORARILY SUSPENDING THE PROVISIONS OF TITLE 7, CHAPTER 3, SECTION 3 OF THE MUNICIPAL CODE REGULATING THE EXPLOSION AND FIRING OFF OF CERTAIN EXPLOSIVES; PROVIDING SUBSTITUTE PROVISIONS DURING PERIOD OF TEMPORARY SUSPENSION.

WHEREAS, Citizens and various groups of citizens are desirous of celebrating the end of the Second Millennium with the explosion of fireworks; and

WHEREAS, The Kansas Legislature has amended K.S.A. 31-133 specifically allowing the sale and detonation of fireworks between December 28, 1999, and January 1, 2000, for the purpose of celebrating the advent of the Year 2000.

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

SECTION 1: The provisions of Title 7, Chapter 3, Section 3 of the Municipal Code are hereby suspended temporarily for the period beginning December 28, 1999, at 12:01 a.m. through and including January 1, 2000 at 11:59 p.m.

SECTION 2: During the period of suspension provided in Section 1 of this Ordinance, the following regulations shall apply governing the exploding and firing off of certain explosives, commonly called fireworks, to-wit:

(a) It shall be unlawful for any person or persons to use, fire off, explode, or cause to be exploded within the City of Garnett, any fireworks or explosives, except such as are officially declared to be legal in the State of Kansas under rules and regulations promulgated by the State Fire Marshal. Any such fireworks which when used, fired off, or exploded give an audible report, whistle, or make a similar noise, shall be set off and used only between the hours of 8:00 a.m. and 10:00 p.m., except on December 31st when they may be used between the hours of 8:00 a.m. and 1:00 a.m. on January 1, 2000.

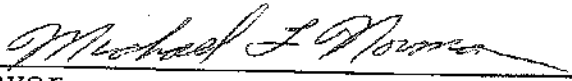
SECTION 3: This Ordinance shall be in full force and effect from and after its adoption and its publication in an official newspaper of the City of Garnett, Kansas, and shall expire of its own terms on January 1, 2000, at 11:59 p.m. of said date. Upon expiration hereof the original provisions of Title 7, Chapter 3, Section 3 shall resume being in full force and effect.

SECTION 4: Any case charging a violation before the Municipal Court, growing out of a violation of the terms and provisions of this Ordinance shall hereby stay the effectiveness of such suspension with respect to each such case which shall be prosecuted to conclusion upon the same terms and provisions of this Ordinance as if the same remained in full force and effect.

Ordinance
Page 2


SECTION 5: This Ordinance shall be deemed supplementary to Title 7, Chapter 3 of the Municipal Code and all penalties which apply to the provisions of violations thereof shall be deemed to apply to violations of the terms and provisions of this Ordinance.

PASSED This 14th day of December, 1999.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3366

AN ORDINANCE DEFINING THE TERM "MANUFACTURED HOME" AS THE SAME IS USED IN ORDINANCE 3059 OF THE CITY OF GARNETT, KANSAS; AND DECLARING A MORATORIUM ON THE SITING OF ANY MANUFACTURED HOME WITHIN THE CITY OF GARNETT, KANSAS

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

SECTION 1: DEFINITION OF "MANUFACTURED HOME". For purposes of interpretation and enforcement of the provisions of ordinance 3059, the term "Manufactured Home" shall mean the following, to-wit:

A transportable structure in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, and is subject to the federal manufactured home construction and safety standards established pursuant to Title 42 U.S.C. §5403 and constructed on or after June 15, 1976.

The existing definition of "Manufactured Home" contained in Article 3, Section 3 of Ordinance 3059 is hereby abrogated.

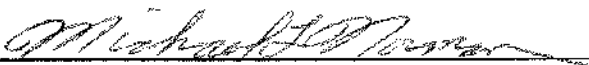
SECTION 2: MORATORIUM ON CERTAIN MANUFACTURED HOMES.

(a) No person shall move any manufactured home into the City of Garnett or locate, erect, or re-locate the same within the City of Garnett, for a period of 90 days following the effective date of this ordinance. The provisions of Ordinance 3059, or any other ordinance or of the Municipal Code permitting the same are hereby suspended for said period of time.

(b) Nothing in this section shall be construed to apply to "Manufactured Home Residential Design" structures.

SECTION 3: This ordinance shall take effect upon its passage and publication in an official newspaper of the City of Garnett, Kansas and shall remain in effect for 90 days following the date of such publication, unless sooner repealed.

PASSED this 28th day of March, 2000.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3368

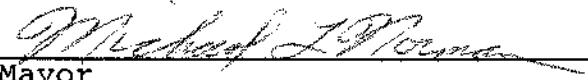
AN ORDINANCE ALLOWING THE LOCATION OR RE-LOCATION OF A "MANUFACTURED HOME" WITHIN CERTAIN MANUFACTURED HOME PARKS; SUPPLEMENTING ORDINANCE 3366

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

SECTION 1: During the moratorium on the siting of manufactured homes set forth in Ordinance 3366, a manufactured may, notwithstanding the provisions of Ordinance 3366, be located or re-located within a manufactured home park within the City of Garnett, if such park was in existence on or prior to March 28, 2000, and the utility and sanitary hook-ups were in existence and fully useable at such site on said date, sufficient to handle said manufactured home without material change or repair.

SECTION 2: This ordinance shall be deemed supplementary to Ordinance 3366 and shall take effect upon its passage and publication in an official newspaper of the City of Garnett, Kansas. It shall remain in effect for so long as Ordinance 3366 remains in effect, unless sooner amended or repealed.

PASSED this 11th day of April, 2000.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3372

AN ORDINANCE DECLARING A PART OF 13TH AVENUE TO BE A THROUGH STREET

WHEREAS, 13th Avenue from Walnut Street on the west to Main Street on the east carries a great deal of traffic between the two streets and on and from Oak Street, which intersects with 13th Avenue between Walnut and Main Streets; and

WHEREAS, The maintenance of such street, because of its nature as a through street, should be borne by the community at large; and

WHEREAS, It may be necessary to mark the said street with appropriate signs indicating its through nature, in order to provide for safe movement of traffic thereon.

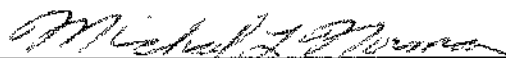
NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

SECTION 1: 13th Avenue from its intersection with Walnut Street on the west to its intersection with Main Street on the east is hereby declared to be a through street.

SECTION 2: This Ordinance shall be amendatory to Title 10, Chapter 1 of the Municipal Code.

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

PASSED This 23rd day of May, 2000.



Mayor

A T T E S T:



City Clerk

(PUBLISHED ONCE IN THE ANDERSON COUNTY REVIEW on 6/20/2000

ORDINANCE NO. 3374

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 3317 OF THE CITY OF GARNETT, KANSAS WHICH AUTHORIZED THE EXECUTION OF A GAS ACQUISITION PREPAYMENT PROGRAM PARTICIPATION AGREEMENT WITH THE KANSAS MUNICIPAL GAS AGENCY AND ALL NECESSARY DOCUMENTS WITH RESPECT THERETO, INCLUDING AN AMENDMENT TO THE EXISTING GAS ACQUISITION MANAGEMENT PROJECT PARTICIPATION AGREEMENT, AND FURTHER AUTHORIZING THE EXECUTION OF AMENDMENTS TO THE GAS ACQUISITION PREPAYMENT PROGRAM PARTICIPATION AGREEMENT AND THE GAS ACQUISITION MANAGEMENT PROJECT PARTICIPATION AGREEMENT.

WHEREAS, the City of Garnett, Kansas (the "City") has entered into a Gas Acquisition Management Project Participation Agreement (the "Participation Agreement") with the Kansas Municipal Gas Agency ("KMGA") for the purpose of providing the City with economic long-term Natural Gas acquisition and transportation; and

WHEREAS, the governing body of the City, has heretofore by Ordinance No. 3317 of the City duly passed on March 9, 1999, authorized the execution of a Gas Acquisition Prepayment Program Participation Agreement (the "Prepayment Agreement") with KMGA and all necessary documents with respect thereto, including an amendment to the Participation Agreement, and providing for the pledge of the revenues of the natural gas utility system of the City to secure the Prepayment Agreement; and

WHEREAS, the Prepayment Agreement was executed by the City contingent upon the Effective Date (as defined therein) of Prepayment Agreement commencing within eighteen (18) months of the date of signing the Prepayment Agreement; and

WHEREAS, the City hereby finds and determines it necessary to extend the date by which the Prepayment Agreement must become effective from eighteen (18) months to forty-two (42) months after the date the City signed the Prepayment Agreement, and to extend the Contract Period (as defined therein) of the Prepayment Agreement to no later than April 30, 2013; and

WHEREAS, the City hereby finds and determines it necessary to amend and supplement Section 2 of Ordinance 3317 to provide for modifications in the prices contained in such section; and

WHEREAS, the City hereby finds and determines it necessary to amend and supplement Sections 5 and 6 of the Ordinance to extend the term of the Participation Agreement, and to authorize the amendment of such Participation Agreement.

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

SECTION 1. The Mayor and City Clerk and other officials of the City are hereby authorized and directed to execute the First Amendment to the Prepayment Agreement on behalf of the City substantially in the form presented to the governing body this date. The First Amendment will extend the date by which the Effective Date must commence to a date not more than forty-two (42) months following the date of execution of the Prepayment Agreement. The term of the Prepayment Agreement is hereby extended to not later than April 30, 2013.

SECTION 2. Section 2 of Ordinance No. 3317 is hereby amended to read as follows:

Section 2. The Mayor and City Clerk are hereby authorized and directed to execute the Prepayment Agreement on behalf of the City substantially in the form presented to the governing body this date; provided that the average effective cost of Program Gas under the Prepayment Agreement, including the price of gas and financing costs, but excluding costs of transportation and management fees, if any, shall not exceed \$2.50/MMBtu for the months of May through October, inclusive, and \$2.75/MMBtu for the months November through April, inclusive of each year.

SECTION 3. Section 5 of Ordinance No. 3317 is hereby amended to read as follows:

Section 5. The term of the Participation Agreement is hereby extended to April 30, 2003, and if the Prepayment Agreement commences on or before the Effective Date as set forth in Section 1 of this Ordinance, the term of the Participation Agreement is hereby extended to a term equal to the term of the Prepayment Agreement.

SECTION 4. Section 6 of Ordinance No. 3317 is hereby amended to read as follows:

Section 6. The Mayor and City Clerk and other officials of the City are hereby further authorized and directed to execute an amendment to the Participation Agreement to modify the term thereof and 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 this Ordinance.

SECTION 5. Sections 2, 5 and 6 of Ordinance No. 3317 are hereby repealed; and the rest and remainder of Ordinance No. 3317 is hereby ratified and confirmed.

SECTION 6. This Ordinance shall be in force and take effect from and after its passage and publication once in the official newspaper of the City.

PASSED by the governing body of the City of Garnett, Kansas, on June 13, 2000.

(Seal)

ATTEST:

Jayce E. Martin
City Clerk

Michael J. Brown
Mayor

ORDINANCE NO. 3375


AN ORDINANCE REPEALING TITLE 8, CHAPTER 1 OF THE MUNICIPAL CODE DEALING WITH EATING AND DRINKING ESTABLISHMENTS; AND FURTHER REPEALING TITLE 8, CHAPTER 2 OF THE MUNICIPAL CODE DEALING WITH REGULATION OF MILK PRODUCTION AND DISTRIBUTION

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

SECTION 1: Title 8, Chapter 1 and Title 8, Chapter 2 of the Municipal Code are hereby repealed.


SECTION 2: 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 13th day of June, 2000.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3376

AN ORDINANCE AMENDING TITLE 9, CHAPTER 4, SECTION 4 OF THE MUNICIPAL CODE, RELATING TO WEEDS AND THE GIVING OF NOTICE TO REMOVE THE SAME; REPEALING SAID TITLE, CHAPTER, AND SECTION

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

SECTION 1: Title 9, Chapter 4, Section 3 of the Municipal Code is hereby amended to read as follows:

9-4-3: PUBLIC OFFICER; NOTICE TO REMOVE: The City Manager shall designate a public officer to be charged with the administration and enforcement of this Chapter.

- (A) The public officer or an authorized assistant shall notify in writing by restricted mail or by personal service the owner, occupant or agent in charge of any premises in the City upon which weeds exist in violation of this Chapter, once per calendar year. Such notice shall include the following:
1. That the owner, occupant or agent in charge of the property is in violation of the City weed control law.
 2. That the owner, occupant or agent in charge of the property is ordered to cut the weeds within ten (10) days of the receipt of notice.
 3. That the owner, occupant or agent in charge of the property may request a hearing before the Governing Body or its designated representative within five (5) days of the receipt of notice.
 4. That if the owner, occupant or agent in charge of the property does not cut the weeds, the City or its authorized agent will cut the weeds and assess the cost of the cutting, including a reasonable administrative fee, against the owner, occupant or agent in charge of the property.
 5. That the owner, occupant or agent in charge of the property will be given an opportunity to pay the assessment, and, if it is not paid, it will be added to the property tax as a special assessment.
 6. That no further notice shall be given prior to removal of weeds during the current calendar year.

7. That the public officer should be contacted if there are any questions regarding the order.

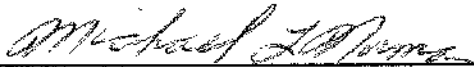
If there is a change in the record ownership to any such property subsequent to the giving of notice pursuant to this Section, the City may not recover any costs or levy an assessment for the costs incurred by the cutting or destruction of weeds on such property, unless the new record owner of such property is provided notice as required by this sub-section.

- (B) In the event the owner cannot be found or ascertained, in the alternative the public officer or an authorized assistant may cause such notice to be published in an official newspaper of the City of Garnett, Kansas and the time given in such notice for the owner or agent to cut such growth of weeds shall be ten (10) days from the date such notice is first published. Otherwise the content of such notice shall comply with the above sub-section, except the provisions of sub-paragraph 6 thereof shall be omitted. For purposes of calculating time in the administration of the remaining sections of this title and chapter, in the case of a notice by publication the date of first publication shall be deemed to be the date of receipt of said notice by the owner, occupant or agent in charge of the premises.

SECTION 2: Title 9, Chapter 4, 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 from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED This 13th day of June, 2000.



Mayor

A T T E S T:



City Clerk

Ordinance No. 3378

AN ORDINANCE RE-DEFINING THE TERMS "MANUFACTURED HOME" AND "YARD" AS THE SAME ARE USED IN ORDINANCE 3059 OF THE CITY OF GARNETT, KANSAS; AND AMENDING BY ADDITION THAT PART OF ARTICLE 5 OF THE ZONING REGULATIONS OF SAID ORDINANCE PERTAINING TO "R-3" FLEXIBLE RESIDENTIAL DWELLING DISTRICT TO ADD CERTAIN REGULATIONS GOVERNING MANUFACTURED HOUSING IN SUCH DISTRICTS; 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 term "Manufactured Home" as the same is now set forth in Article 3, Section 3 of Ordinance 3059 shall mean the following, to-wit:

A transportable structure in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, and is subject to the federal manufactured home construction and safety standards established pursuant to Title 42 U.S.C. §5403 and constructed on or after June 15, 1976.

(b) The term "Yard" as the same is now set forth in Article 3, Section 3 of Ordinance 3059 shall mean the following, to-wit:

A space on the same lot with a main building, open, unoccupied and unobstructed by buildings or structures from the ground upward and not burdened with an ungainly growth or unlawful accumulation of weeds, brush or similar vegetation.

Section 2: That part of Article 5 of Ordinance 3059 pertaining to "R-3" Flexible Residential Dwelling District is hereby amended by the addition of the following section, to-wit:

11. Manufactured Housing Regulations: Manufactured Housing located in this district shall comply with all rules and regulations applicable to other residential structures and, owing to the special nature and construction of such housing, also the following special rules, to-wit:

A. Placement Requirements for Two or More Manufactured Housing Units on a Zoning Lot:

1. Each manufactured home space shall be at least 50 feet wide and not less than 3,000 square feet. Each space shall be clearly defined. All manufactured housing units shall be located upon each space in a development so that no two are closer than 20 feet to another unit. In calculating any distances between units or for required yards, the tongue shall be considered a part of the unit.

2. Every unit shall be set either on a reinforced concrete pad or on runners either of which shall be at least 6" thick, shall be poured only after excavation to a depth equal to the thickness of the concrete and shall be essentially level. If runners are used, they each must be at least 24" wide and the area between them cleared of all grass and vegetation, covered with a minimum of 2" of gravel and treated to discourage further plant growth. Reinforcement shall be by steel reinforcing rod with a minimum diameter of 3/8"; the bar shall be on 2' centers across each dimension in the case of a pad; and in the case of runners, there shall be two steel bars running lengthwise in each runner. The runners shall be parallel to the main frame of the unit (i.e., lengthwise) and runners or pad shall be wide enough and long enough and located so as to permit all blocks for the unit to rest thereon and adequate to carry the weight of the unit. A minimum clearance of 12" shall be maintained beneath the lowest member of the floor support system and the ground level.

3. Every unit shall be blocked at a maximum of ten foot centers in accordance with the Manufactured Home and Recreational Vehicle Code (K.S.A. 75-1211/34, as amended).

4. The perimeter of every unit shall be fully skirted, from the bottom of the frame to ground with no open areas except as needed for ventilation or access to crawl space. Skirting shall blend with exterior siding of the manufactured housing unit, be weather resistant and non-combustible. Grading of each space shall be such that skirting shall be no higher than 36".

5. Every unit shall be secured to ground by tie-downs and ground anchors meeting the Manufactured Home and Recreational Vehicle Code (K.S.A. 75-1211/34, as amended).

B. Amenities Required:

1. Each space shall be supplied with a storage shed having a minimum volume of 560 cubic feet and a minimum height of 6'6" located, in accordance with applicable zoning regulations, in the rear yard.

2. Either a concrete patio or a wooden deck shall be provided for each space at the location of the front or main entry door of the unit.

i. If a concrete patio is provided, it shall be at least 180 square feet. Any step or steps from the patio to the unit shall be securely built and permanently fastened to the ground or the patio's surface.

ii. If a wooden deck is provided, it shall be at least 180 square feet and shall be securely built and anchored to the ground. It shall not be attached to the manufactured housing unit. In calculating any distances between units or for required yards, the deck shall be considered a part of the unit.

iii. Nothing in this subsection shall prevent both a patio and deck being provided. If both are provided, the deck shall be located at the front or main entry door of the unit and the patio may be elsewhere on the unit's space.

3. Each space shall have not less than two trees located on the space or within a required yard. Trees, at initial planting, shall not be smaller than 1" caliper.

4. Each 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.

C. Miscellaneous Provisions:

1. Locating a manufactured housing unit for the first time in the city of Garnett, or relocating the same within the city, shall not be allowed without first having obtained a city building permit.

2. All provisions of the city of Garnett's building, plumbing, electric, mechanical and fire codes shall apply in addition to the provisions of the city's zoning regulations; provided, however, nothing herein shall be construed, nor shall the provisions hereof be enforced, in violation of K.S.A. 75-1218 or acts amendatory thereto.

3. Utilities:

i. All electric power and communications lines shall be underground, but a development may be served by the electric utility from an above-ground meter site located as near as practical to the public easement.

ii. Every reasonable effort shall be made to locate all gas meters and all water meters in groups, near the respective points of delivery of such utility services to the development site by the utility supplier.

iii. Electric service shall be supplied to every manufactured housing unit by a "hard wired" connection and not by a plug-type connector.

iv. Electric service shall be provided to a manufactured housing unit only under the city's Temporary Construction classification until full compliance with all codes and applicable regulations is demonstrated.

v. Water service shall not be turned on, except temporarily for testing purposes, until full compliance with all codes and applicable regulations is demonstrated.

vi. No utility service shall be established without a prior city inspection of both the space and the manufactured housing unit.

4. The development area for any manufactured housing shall be graded so that surface water will not accumulate, but will run off in a manner that will not adversely affect the residential character of the development or the adjacent property.

5. No manufactured housing unit shall be connected by a hallway, tunnel or like structure, or in any other way, nor joined to:

i. any other building or structure; or,

ii. any other manufactured housing unit or units, unless all such units were originally manufactured specifically for that purpose.

6. No overhead structure that covers or encloses a manufactured housing unit, whether wholly or in part, shall be allowed. However, rebuilding a roof to prevent or correct leaking may be done so long as materials used are of compatible type with the original manufacturer's materials. Flat or corrugated sheet metal or fiberglass panels would never be deemed compatible.

7. A manufactured housing unit shall not be used as an accessory building or structure or used solely for storage or other, non-residential uses.

D. Single Manufactured Housing Unit Located on Single Zoning Lot: The location of a single manufactured housing unit on a single lot shall be permitted only if in compliance with the foregoing regulations (except as hereinafter modified or excepted) and also the following additional regulations, to-wit:

1. The unit is at least 14' in width for single-wide units and at least 24' in width for double-wide units.

2. All running gear (axles, wheels, hitches, running/marker lights, etc) shall be removed from the unit.

E. Conflicts: In the event of a conflict between the provisions of this section of the R-3 regulations and any other part of the regulations for that zone, the provisions of this section shall prevail.

F. Site Plan Review: As with other developments in the R-3 zone, development for locating manufactured housing in the zone shall be subject to site plan review requirements and procedures. However, the city may allow the plan to be prepared by the developer rather than by a registered professional engineer, architect, or landscape architect in those cases where the size and complexity of the development suggest such professional involvement is not necessary to assure compliance with the applicable zoning rules and regulations.


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

Ordinance
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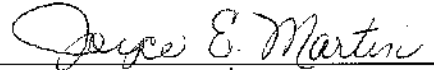
newspaper of the city of Garnett, Kansas.

PASSED this 29th day of June, 2000.



Michael L. Norman, Mayor

A T T E S T:



Joyce E. Martin
City Clerk

AN ORDINANCE AMENDING BY ADDITION THAT PART OF ARTICLE 5 OF THE ZONING REGULATIONS OF SAID ORDINANCE PERTAINING TO "PD" PLANNED DEVELOPMENT DISTRICT TO ADD CERTAIN REGULATIONS GOVERNING MANUFACTURED HOUSING IN SUCH DISTRICT; REPEALING "M-P" MANUFACTURED HOME PARK RESIDENTIAL DISTRICT PROVISIONS AND ALL OTHER PROVISIONS OF ORDINANCE 3059 AS ARE IN CONFLICT HEREWITH.

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

Section 1: That part of Article 5 of Ordinance 3059 pertaining to "PD" Planned Development District is hereby amended by the addition of the following section, to-wit:

3a. Use Regulations Specifically Applicable to Manufactured Housing: Manufactured Housing developments comprising eight or more units in the development shall be allowed only under this district. Manufactured Housing developments of fewer than eight units may be submitted under this district. In addition to the use regulations generally applicable, set out in Paragraph 3, owing to the special nature and construction of such housing, the following special use regulations shall also apply, to-wit:

A. All manufactured home spaces shall front either on a public or a private street. If a private street, it shall have unobstructed access to a public street, shall be constructed to meet the city's applicable specifications for a residential street but may be a minimum of 25' in width, including curbs on each side; provided, however, no on-street parking shall be permitted on such a street. If on-street parallel parking is to be permitted on one side of such a street, the minimum width shall be increased to 30' and if on-street parallel parking is to be permitted on both sides of such a street, the minimum width shall be increased to 36'.

B. Sidewalks shall be required on one side of any private street within the development.

C. All roadways and sidewalks within the development shall be of all-weather surfacing and shall be adequately lighted at night.

D. Landscaping shall be shown on the development plan.

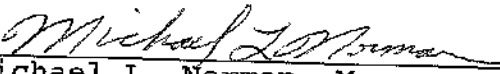
E. Water shall be supplied to the development from the municipal water system and sanitary sewer service shall be provided by connection to the municipal sewer system.

F. Provisions for convenient and safe solid waste storage, handling and disposal shall be incorporated into any development plan.

Section 2: All provisions of Ordinance 3059, and any amendments thereto, as relate to "M-P" Manufactured Home Park Residential District are hereby repealed.

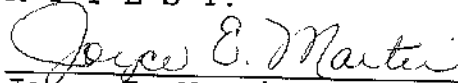
Section 3: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the city of Garnett.

PASSED this 29th day of June, 2000.



Michael L. Norman, Mayor

A T T E S T:



Joyce E. Martin
City Clerk

ORDINANCE NO. 3381

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 that the zoning classification of the following described land situate in Anderson County, Kansas to-wit:

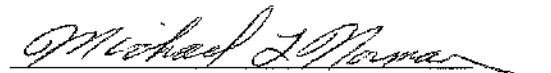
Lot 16, Block 34 of the City of Garnett

is hereby changed from O-I Office and Institutional District to B-2 General Business 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, 3 voting Aye; 0 voting Nay; and approved this 11th day of July, 2000.



Mayor

Attest:



City Clerk

(Published on August 1, 2000 in The Anderson County Review)

ORDINANCE NO. 3383

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF LAND IN THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PAYING ALL OF THE COSTS OF THE WEST THIRD STREET IMPROVEMENTS; AND FURTHER PROVIDING FOR THE PAYMENT OF SAID ASSESSMENTS AND FOR THE CERTIFICATION OF UNPAID ASSESSMENTS TO THE COUNTY CLERK OF ANDERSON COUNTY, KANSAS.

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

SECTION 1. Special assessments to pay the cost of the West Third Street Improvements are hereby levied against the several lots, pieces and parcels of land liable for special assessments for said improvement as follows:

<u>Description of Property</u>	<u>Amount of Assessment</u>
Tract One	\$10,562.00
Tract Two	\$10,562.00
Tract Three	\$21,123.00
Tract Four	\$15,169.00
Tract Five	\$22,584.00

(See attached Exhibits A-E for legal descriptions)

The total assessment to the improvement district is \$80,000.

SECTION 2. Such assessment, with accrued interest, are levied concurrent with general taxes and shall be payable in 10 equal amount installments. The first installment shall be payable at the time of the first payment of general property taxes.

SECTION 3. All assessments shall bear interest at a rate not to exceed the statutory permissible interest per annum.

SECTION 4. The owner of an property so assessed may at any time prior to 30 days from the date of publication hereof, pay the whole of this assessment against any lot or parcel of land by making such payment to the office of the city clerk.

SECTION 5. Assessments not paid prior to the date provided in section 4 herein shall be certified, together with the interest accrued, or to accrue, by the city clerk to the county clerk of Anderson County, Kansas, and collected in the manner as other taxes.

SECTION 6. This ordinance shall take effect and be in force from and after its publication as provided by law.

PASSED by the Governing Body this 25 day of July, 2000.

Michael L. Thomas
Mayor

Attest: Joyce E. Martin
City Clerk

TRACT ONE:

A tract of land located in the Northeast Quarter (NE/4) of Section Twenty-five (25), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian, in the City of Garnett, Anderson County, Kansas, being all of Lots 301, 303, 305, 307 and the North 11.92 feet of Lot 309 in Block Thirty-three (33) in what was formerly Orchard Park Addition to the City of Garnett, Kansas, together with vacated streets and alleys adjacent thereto, being more particularly described as follows: Beginning at the Southeast corner of the Northeast Quarter (NE/4) of Section Twenty-five (25), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian, THENCE North 89 degrees 55 minutes 12 seconds West for a distance of 1504 feet, Plat, 1500.71 feet measured, along the South line of said Quarter Section to the centerline of now vacated Garfield Street, THENCE North 00 degrees 10 minutes 06 seconds West for a distance of 560 feet, Plat, 562.16 feet measured, along the centerline of said vacated Garfield Street to the centerline of now vacated Third Street, said point being the TRUE POINT OF BEGINNING, THENCE North 89 degrees 54 minutes 29 seconds West for a distance of 188 feet, Plat, 187.56 feet measured, along the centerline of now vacated Third Street to the centerline of now vacated alley in said Block 33, THENCE South 00 degrees 09 minutes 54 seconds East for a distance of 152.48 feet along the centerline of now vacated alley to a point of intersection with the south line of West Third Street, as now platted in Wohler's Addition to the City of Garnett, if produced Westerly, THENCE South 89 degrees 51 minutes 02 seconds East for a distance of 187.57 feet along the south line of West Third Street, produced West, to a point on the centerline of now vacated Garfield Street, THENCE North 00 degrees 10 minutes 06 seconds West for a distance of 152.67 feet along the centerline of now vacated Garfield Street to the TRUE POINT OF BEGINNING, all in the City of Garnett, Anderson County, Kansas.

Property Owner: Robert L. Beeley and Gwen G. Beeley

"Exhibit A"

TRACT TWO:

Beginning 1615 feet west and 210 feet north of the Southeast corner of the Northeast Quarter (NE/4) of Section Twenty-five (25), Township Twenty (20) South, Range Nineteen (19) East of the sixth principal meridian, in Anderson County, Kansas, thence running west 77 feet, thence North 197.5 feet, more or less, thence East 188 feet, thence South 197.5 feet, more or less, thence West 111 feet, to the place of beginning, being Lots 311, 313, 315, 317, 319, 321, 323 and a part of Lot 309, in Block Thirty-three (33) in what was formerly called Orchard Park Addition to the City of Garnett, Kansas, together with vacated street and alleys adjacent thereto.

Property Owner: Lee F. Kellerman

"Exhibit B"

TRACT THREE:

Beginning at a point 1692 feet West of the corner stone at the Southeast Corner of the Northeast Quarter (NE/4) of Section Twenty-five (25), thence running West 80 feet, thence North 520 feet, thence East 80 feet, thence South 520 feet to the place of beginning in Township Twenty (20), Range Nineteen (19), Anderson County, Kansas, and being a part of Block Thirty-three (33) in what was formerly the Orchard Park Addition to the City of Garnett; and

Commencing at a point 1772 feet West and 60 feet North of the Southeast Corner of the Northeast Quarter (NE/4) of Section Twenty-five (25), Township Twenty (20), Range Nineteen (19), Anderson County, Kansas, thence West 108 feet, thence North 460 feet, thence East 108 feet, thence South 460 feet to the place of beginning, being a part of the West Half (W/2) of Block Thirty-three (33), together with one-half (1/2) of the street west of the same of what was formerly Orchard Park Addition to the City of Garnett, Kansas; and also commencing 1880 feet West and 520 feet North from the Southeast Corner of the Northeast Quarter (NE/4) of said Section Twenty-five (25), thence running East 108 feet, thence North 40 feet, thence West 108 feet, thence South 40 feet to the place of beginning, being what was formerly a part of Arthur Avenue and Third Street in the Orchard Park Addition to the city of Garnett and accruing to said property by virtue of vacation of said avenue and street.

Property Owner: William J. Foxx and Georgetta Foxx, Co. Trustees of the Foxx Family Revocable Trust u/a/d Oct. 1, 1991.

"Exhibit C"

TRACT FOUR:

Beginning at the Center of the South end of Arthur Street in what was formerly known as the Orchard Park Addition to the City of Garnett, Anderson County, Kansas, thence North 534 feet, thence West 135 feet, thence South 534 feet, thence East 135 feet to the place of beginning, all being a part of the Northeast Quarter (NE/4) of Section Twenty-five (25), Township Twenty (20) South, Range (19) East of the Sixth Principal Meridian, in Anderson County, Kansas.

Property Owner: Claude A. Anderson, III

"Exhibit D"

TRACT FIVE:

Commencing at a point 135 feet West of the intersection of the North Edge of Fourth Avenue and the Center of what was Arthur Street in what was formerly known as Orchard Park Addition to the City of Garnett, thence West 201 feet, thence North 500 feet, thence East 201 feet, thence South 500 feet to the place of beginning all being a part of the Northeast Quarter (NE/4) of Section Twenty-five (25), Township Twenty (20), Range Nineteen (19), in Anderson County, Kansas.

Property Owner: Helen F. Warner

"Exhibit E"

ORDINANCE NO. 3386

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:

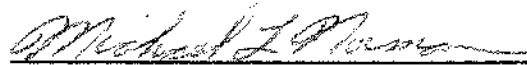
4-6-7: PERIODIC CHARGES; EFFECTIVE DATE:

- (A) Residential Service: The customer charge for this class of service shall be \$9.75 per month; the sewer service charge for this class of service shall be \$2.35 per 1,000 gallons of water.
- (B) General Service: The customer charge for this class of service shall be \$9.75 per month; the sewer service charge for this class of service shall be \$2.35 per 1,000 gallons of water.
- (C) BOD Surcharge: The BOD surcharge shall be \$0.512 per pound.
- (D) SS Surcharge: The SS surcharge shall be \$0.348 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, 2000. 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 October 1, 2000, whichever is later.

PASSED this 22nd day of August, 2000.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3388

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 23 OF THE MUNICIPAL CODE DEFINING THE CRIME OF UNLAWFUL POSTING OF PICTURES AND ADVERTISEMENTS; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

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

SECTION 1: Title 6, Chapter 1, Section 23 of the Municipal Code is hereby amended to read as follows:

6-1-23: UNLAWFUL POSTING OF PICTURES AND ADVERTISEMENTS: Unlawful posting of pictures and advertisements is:

a. putting up, affixing, or fastening of either or both a picture or an advertisement to a telegraph, telephone, electric light or power pole or to any other utility or signal pole, or to any traffic signpost or signal post or pole, or on the face of any lawful sign including traffic or other signs which are only informational;

b. allowing any advertisement, picture or other poster or placard, otherwise legal, to remain on display more than 48 hours following the time or date of such event to which it refers; or,

c. allowing any advertisement, picture or other poster or placard, otherwise legal, to become so deteriorated or disfigured as to be unsightly or to tear or break up so as to constitute littering.

Posting any such pictures or advertisements is hereby declared unlawful.

SECTION 2: Title 6, Chapter 1, Section 23 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 12th day of September, 2000.

Michael L. Nana
Mayor

A T T E S T:

James E. Martin
City Clerk

ORDINANCE NO. 3389

AN ORDINANCE AUTHORIZING THE ISSUANCE AND DELIVERY OF \$1,175,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION SALES TAX BONDS, SERIES 2000-A, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PAYING THE COST OR A PORTION OF THE COST OF CERTAIN IMPROVEMENTS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

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

WHEREAS, pursuant to the Act (as hereinafter defined) and all other applicable provisions of the laws of the state of Kansas, the governing body of the City has caused the improvements herein identified to be undertaken in the City (such improvements and any Substitute Improvements as defined in this Ordinance to be referred to as the "Improvements"); and

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 is at least \$1,175,000, to be paid 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, the governing body of the City hereby finds and determines it is necessary for the City to authorize the issuance and delivery of its general obligation bonds in the principal amount of \$1,175,000 to pay the costs of the Improvements;

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

Section 1. Definitions of Words and Terms.

"Act" means the Constitution and all applicable statutes of the State including but not limited to K.S.A. 10-101 *et seq.*, K.S.A. 12-187 *et seq.* and K.S.A. 12-195b *et seq.*, all as amended and supplemented.

"Authorized Cost" means the amount of expenditure for an Improvement which has been authorized to be paid by the City by a resolution or ordinance of the City, less (1) the amount of any notes or bonds of the City which are currently outstanding and available to pay the Authorized Cost, and (2) any Authorized Cost which have been previously paid by the City or by any eligible source of funds unless such amounts are entitled to be reimbursed under State and federal law.

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

"Bonds" means the General Obligation Sales Tax Bonds, Series 2000-A authorized by this Ordinance in the aggregate principal amount of \$1,175,000 and dated September 15, 2000.

"City" means the City of Garnett, Kansas.

"City Clerk" means the appointed and acting City Clerk or, in the City Clerk's absence, the appointed and/or elected Deputy or Acting City Clerk of the City.

"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 following improvements and any Substitute Improvements:

Library Improvements
Baseball Fields and Park Improvements

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

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

"Revenues" means all of the revenues derived by the City 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.

"State" means the state of Kansas.

"Substitute Improvement" means the substitute or additional improvement of the City as authorized by Section 504 of the resolution hereinafter adopted by the governing body with respect to the Bonds.

"Treasurer" means the appointed and acting Treasurer of the City or, in the Treasurer's absence, the appointed and/or elected Deputy or Acting Treasurer of the City.

Section 2. Authorization of and Security for the Bonds. These Bonds shall be issued for the purpose of providing funds to pay the Authorized Costs of the Improvements.

The Bonds are general obligations of the City payable as to both principal and interest from the pledged revenue 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 3. 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 hereinafter adopted by the governing body of the City with respect to the Bonds.

Section 4. 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 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 referred to above shall be spread upon the tax rolls 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, and the proceeds derived from the taxes shall be deposited in the Bond and Interest Fund.

If at any time the 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 the principal or interest out of the general funds of the City and to reimburse the general funds for money so expended when the taxes are collected.

Section 5. Tax Covenants. The City covenants and agrees that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion of the interest on the Bonds from gross income for federal income tax purposes. The City covenants and agrees that it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purpose for which the Bonds are issued as previously set forth, and that it will not directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City, or take or omit to take any action that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code. To that end, the City will comply with all requirements of Section 148 of the Code to the extent applicable to the Bonds.

Section 6. Further Authority. The Mayor, City Clerk and other City officials are authorized and directed to execute such documents and take such actions as they may deem necessary or advisable in order to carry out the purposes of this Ordinance.

Section 7. Governing Law. The Ordinance and the Bonds shall be governed 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.

PASSED by the governing body of the City on September 12, 2000.

(SEAL)

Michael J. Howe
Mayor

ATTEST:

Joyce E. Martin
City Clerk

ORDINANCE NO. 3390

AN ORDINANCE AUTHORIZING THE ISSUANCE AND DELIVERY OF \$525,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2000-B, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PAYING THE COST OR A PORTION OF THE COST OF CERTAIN IMPROVEMENTS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX AND SPECIAL ASSESSMENTS FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

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

WHEREAS, pursuant to the Act (as hereinafter defined) and all other applicable provisions of the laws of the state of Kansas, the governing body of the City has caused the improvements herein identified to be undertaken in the City (such improvements and any Substitute Improvements as defined in this Ordinance to be referred to as the "Improvements"); and

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 is at least \$525,000, to be paid 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, the governing body of the City hereby finds and determines it is necessary for the City to authorize the issuance and delivery of its general obligation bonds in the principal amount of \$525,000 to pay the costs of the Improvements;

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

Section 1. Definitions of Words and Terms.

"Act" means the Constitution and all applicable statutes of the State including but not limited to K.S.A. 10-101 *et seq.*, K.S.A. 12-6a01 *et seq.* and K.S.A 1736 *et seq.*, all as amended and supplemented.

"Authorized Cost" means the amount of expenditure for an Improvement which has been authorized to be paid by the City by a resolution or ordinance of the City, less (1) the amount of any notes or bonds of the City which are currently outstanding and available to pay the Authorized Cost, and (2) any Authorized Cost which have been previously paid by the City or by any eligible source of funds unless such amounts are entitled to be reimbursed under State and federal law.

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

"Bonds" means the General Obligation Bonds, Series 2000-B authorized by this Ordinance in the aggregate principal amount of \$525,000 and dated September 15, 2000.

"City" means the City of Garnett, Kansas.

"City Clerk" means the appointed and acting City Clerk or, in the City Clerk's absence, the appointed and/or elected Deputy or Acting City Clerk of the City.

"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 following improvements and any Substitute Improvements:

City Hall Improvements
West Third Street Improvements

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

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

"State" means the state of Kansas.

"Substitute Improvement" means the substitute or additional improvement of the City as authorized by Section 504 of the resolution hereinafter adopted by the governing body with respect to the Bonds.

"Treasurer" means the appointed and acting Treasurer of the City or, in the Treasurer's absence, the appointed and/or elected Deputy or Acting Treasurer of the City.

Section 2. Authorization of and Security for the Bonds. These Bonds shall be issued for the purpose of providing funds to pay the Authorized Costs of the Improvements.

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 certain portions 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 shall be 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 3. 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 hereinafter adopted by the governing body of the City with respect to the Bonds.

Section 4. Levy and Collection of Annual Tax and Special Assessments. 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 referred to above shall be spread upon the tax rolls 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, and the proceeds derived from the taxes and/or assessments shall be deposited in the Bond and Interest Fund.

If at any time the 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 the principal or interest out of the general funds of the City and to reimburse the general funds for money so expended when the taxes and/or assessments are collected.

Section 5. Tax Covenants. The City covenants and agrees that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion of the interest on the Bonds from gross income for federal income tax purposes. The City covenants and agrees that it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purpose for which the Bonds are issued as previously set forth, and that it will not directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City, or take or omit to take any action that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code. To that end, the City will comply with all requirements of Section 148 of the Code to the extent applicable to the Bonds.

Section 6. Further Authority. The Mayor, City Clerk and other City officials are authorized and directed to execute such documents and take such actions as they may deem necessary or advisable in order to carry out the purposes of this Ordinance.

Section 7. Governing Law. The Ordinance and the Bonds shall be governed 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.


PASSED by the governing body of the City on September 12, 2000.

(SEAL)



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3393

AN ORDINANCE GRANTING KANSAS CITY POWER & LIGHT COMPANY, ITS GRANTEEES, SUCCESSORS AND ASSIGNS, THE RIGHT AND 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 OF AND RELATING TO SUCH FRANCHISE, AND REPEALING INCONSISTENT ORDINANCES OR PART THEREOF.

WHEREAS, Kansas City Power & Light Company (herein called the Company) is a corporation duly organized and existing under and by virtue of the laws of the State of Missouri, and admitted to do business under the laws of the State of Kansas as a foreign corporation for the purposes of generating and distributing electric energy, and

WHEREAS, the Company is operating a system for the transmission of electric current between two or more incorporated cities in the State of Kansas and has heretofore built, or proposed to build its transmission lines into or through the City of Garnett, Kansas (herein called the City), under a twenty (20) year Franchise Ordinance with the City of Garnett, to wit, Ordinance No. 2548, which expires August 27, 2000, and

WHEREAS, the parties hereto desire that the Company continue furnishing electric energy to consumers in said City and expand said services as necessary to serve the needs of the Garnett community.

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

SECTION ONE: In consideration of the benefits to be derived by the City and the inhabitants thereof from the construction, operation and maintenance of an electric light and power transmission and distribution system and the supplying of electric energy to the public, there is hereby granted to the Company and to its successors and assigns, for the term of twenty (20) years from the effective date hereof, a Franchise and authority to construct, operate and maintain in the existing and any future extended corporate limits of the City all appropriate facilities and plants for carrying on a power and light business and all other operations connected therewith or incident thereto for the purpose of supplying the City and outlying areas with electric or other energy in such forms as may be reasonably required for domestic, commercial, industrial, municipal and other purposes and to produce and supply such energy by manufacture, generation, purchase or otherwise, and to transmit and distribute same by means of underground or overhead

lines or otherwise, and for any or all of said purposes it is authorized to (i) construct, install, replace and remove conduits or other underground facilities for the installation and protection of its underground wire and cables, (ii) place poles, lamp posts, guys, and anchors for its overhead wires, cables and street lights on all streets, alleys, avenues, bridges, parks, parking and other public places or thoroughfares, (iii) construct, erect and maintain all buildings, machinery and attachments of any and every kind for any and all of said purposes, and (iv) enter upon any and all of said public places within the corporate limits of the City as they now exist or may hereafter be opened, widened, extended, laid out and established, including any other territory hereafter added thereto or coming under its jurisdiction, and to trim trees upon and overhanging such places and make such excavations thereon as may be appropriate for the construction, repair and renewal of its overhead and underground facilities and plants.

SECTION TWO: Any pavements, sidewalks or curbing taken up or any and all excavations made shall be done under the supervision and direction of the governing body of said City under all necessary permits issued for the work, and shall be made and done in such manner as to give the least inconvenience to the inhabitants of the City and the public generally, and pavements, sidewalks, curbing and excavations shall be replaced and repaired in as good condition as before with all convenient speed, all at the expense of the Company.

SECTION THREE: During the continuance of this Franchise, the Company shall construct, maintain and operate its transmission and distribution system within the City and shall furnish electric energy to the City and its inhabitants in accordance with the terms of this Franchise, the rates, charges, rules and regulations now on file with the State Corporation Commission of the State of Kansas, or such revision of rates, charges, rules and regulations as may be lawfully established from time to time in accordance with the laws of the State of Kansas. Nothing contained herein shall be construed as a guarantee upon the part of the Company 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 Company are specifically exempt from the terms of this Section.

SECTION FOUR: The Company shall, at all times, in the construction, maintenance and operation of its electric transmission, distribution and street lighting system, use all reasonable and proper precautions to avoid damage or injury to persons or property, and shall hold and save harmless said City from any and all damage, injury and expense caused by the sole negligence of the Company, its successors and assigns.

SECTION FIVE: In consideration of the premises, the Company agrees to pay to the City of Garnett, Kansas, and the City of Garnett agrees to accept as adequate compensation and consideration for the Franchise hereby granted and in lieu of occupation, license, privilege and all other taxes and fees, five percent (5%) of the total of the gross receipts charged and collected for electric energy sold for domestic, commercial

and industrial consumption by the Company to all consumers located in the present or future corporate boundaries of the City of Garnett during the term of this Franchise. Any consideration hereunder shall be reported and paid to the City by the Company on a semiannual basis on or before each August 1 and January 31 for the years in which this Franchise remains in effect, reflecting such electric energy sold for the six months' period ending at the last meter reading preceding each February 1 and July 31, respectively. Such payments shall first be applied to the amount due to the Company from the City for street lighting and traffic signal service billed for the applicable said six months period (the "SLTS Billings Amount") and by paying the remainder, if any, to the City. If in any applicable said six months' period the SLTS Billings Amount exceeds the gross receipts amount due to the City, the Company shall for such excess bill the City and the City shall pay the same to the Company. The term "gross receipts", as used in this Section shall not include (1) the electrical energy sold to the United States or the State of Kansas or to any agency or political subdivision thereof, (2) the electrical energy sold for other use which cannot be classified as domestic, commercial, or industrial, such as the electrical energy used by public utilities, telephone, telegraph, and radio communication companies, railroads, pipe line companies, educational institutions not operating for profit, churches and charitable institutions, (3) the electrical energy sold for resale, and (4) the amounts paid to the City pursuant to this Section.

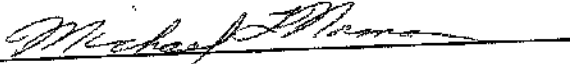
SECTION SIX: That this Ordinance shall not take effect and be in force until after the expiration of sixty (60) days from the date of this final passage and acceptance by the Company, within said sixty (60) days, in writing; if no acceptance as hereinbefore provided has been filed, then this Ordinance shall be ipso facto, absolutely, null and void.

SECTION SEVEN: All provisions of this Ordinance shall be binding upon the Company from and after the date this Ordinance takes effect, and shall inure to the benefit of the Company, its grantees, successors and assigns.

SECTION EIGHT: This Franchise is granted pursuant to the provisions of K.S.A. 12-2001, and shall take effect and be in force as therein provided.


Passed by the Governing Body this 14th day of November, 2000.

APPROVED by the Mayor this 14th day of November, 2000.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3395

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, except industrial service, shall be charged for at the rate of \$7.00 per thousand cubic feet sold.
2. Industrial Rate - All gas sold by the City to industrial service users shall be charged for at the rate of \$6.57 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.

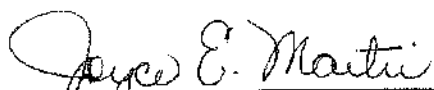
SECTION 3: This ordinance shall take effect and be in force from and after November 1, 2000, and after its publication in an official City newspaper.

PASSED this 24th day of October, 2000.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3398

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", 2000 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", 2000 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. 3398 " 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 of the Standard Traffic Ordinance for Kansas Cities, edition of 2000, 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 28th day of November, 2000.

Michael J. Mann
Mayor

A T T E S T:

James E. Marten
City Clerk

AN ORDINANCE AMENDING TITLE 10, CHAPTER 5, SECTION 1, DESIGNATING "ONE-WAY" STREETS AND ALLEYS; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER

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

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

10-5-1: ONE-WAY STREETS AND ALLEYS DESIGNATED:
When properly posted, traffic shall move only in the one direction indicated on each of the streets or alleys, or portions thereof, to-wit:

(A) On the street running parallel to East Fifth Avenue, between Oak Street and Main Street (and being a part of the Courthouse Square in Block 46 of the original City of Garnett), vehicular traffic shall move only from west to east thereon.

(B) On the alley between Fourth and Fifth Avenues, from Maple Street to Vine Street, vehicular traffic shall move from east to west thereon.

(C) On the loading zone north of Longfellow School, parallel to and adjacent immediately to the south of the paved portion of Sixth Avenue, vehicular traffic shall move from west to east thereon.

(D) On the alley between Fourth and Fifth Avenues, from Oak Street to Walnut Street, vehicular traffic shall move from east to west thereon.

SECTION 2: Title 10, Chapter 5, 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 11th day of December, 2000.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3403

AN ORDINANCE ESTABLISHING THE MAXIMUM NUMBER OF DOGS TO BE KEPT OR POSSESSED AT ANY ONE PREMISES; ORDINANCE TO BE SUPPLEMENTAL TO TITLE 6, CHAPTER 2 OF MUNICIPAL CODE.

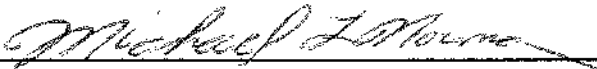
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

SECTION 1: It shall be unlawful for any person within the corporate limits of the City to keep more than four (4) dogs at any premises, whether residential or commercial, unless such premises shall be licensed as a kennel and operated in an area properly zoned or otherwise in compliance with the zoning regulations of the City of Garnett, Kansas.

SECTION 2: This ordinance shall be deemed supplementary to Title 6, Chapter 2 of the Municipal Code, and all penalties applicable to said title and chapter shall apply to violations hereof.

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 9th day of January, 2001.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3404

AN ORDINANCE ESTABLISHING THE MAXIMUM NUMBER OF CATS TO BE KEPT OR POSSESSED AT ANY ONE PREMISES; ORDINANCE TO BE SUPPLEMENTAL TO TITLE 6, CHAPTER 11 OF MUNICIPAL CODE.

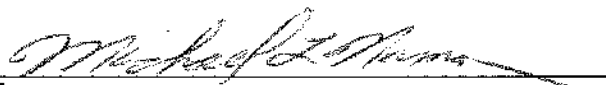
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

SECTION 1: It shall be unlawful for any person within the corporate limits of the City to keep more than four (4) cats at any premises, whether residential or commercial, unless such premises shall be licensed as a cattery and operated in an area properly zoned or otherwise in compliance with the zoning regulations of the City of Garnett, Kansas.

SECTION 2: This ordinance shall be deemed supplementary to Title 6, Chapter 11 of the Municipal Code, and all penalties applicable to said title and chapter shall apply to violations hereof.

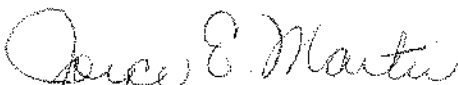
SECTION 3: This ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 9th day of January, 2001.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3411

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 WATER POLLUTION CONTROL REVOLVING 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 Federal Water Quality Act of 1987 (the "Federal Act") established revolving fund program for public wastewater treatment systems to assist 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 Water Pollution Control Revolving Fund Act, K.S.A. 65-3321 through 65-3329, inclusive (the "Loan Act"), the State of Kansas (the "State") has established the Kansas Water Pollution Control Revolving 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 wastewater treatment 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, the City of Garnett, Kansas (the "Municipality") is a municipality as said term is defined in the Loan Act which operates a wastewater collection and treatment system (the "System"); and

WHEREAS, the System is a public Wastewater Treatment Works, 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:

The project consists of construction of a new activated sludge wastewater treatment plant, pumping station, force main, peak flow basins, and decommission of the existing treatment plants (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. 28-16-110 to 28-16-138 (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 of not to exceed Three Million Three Hundred Thousand Dollars [\$3,300,000] (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 March 19, 2001, 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 City Attorney, 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 or 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 amounts which are 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, and (c) pay all other amounts due at any time under the Loan Agreement; provided, however, no lien or other security interest is granted by the Municipality to KDHE on the System Revenues under this Agreement. 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 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 of the City on April 10, 2001 and signed and **APPROVED** by the Mayor.

(SEAL)



Mayor

ATTEST:



City Clerk

[APPROVED AS TO FORM ONLY.]



[City Attorney]

ORDINANCE NO. 3413

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, except industrial service, shall be charged for at the rate of \$7.70 per thousand cubic feet sold.
2. Industrial Rate – All gas sold by the City to industrial service users shall be charged for at the rate of \$7.27 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 May 1, 2001, and after its publication in an official City newspaper.

PASSED this 24th day of April, 2001.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3415

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,

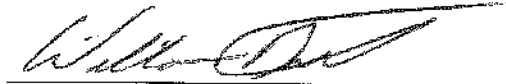
WHEREAS, The continuance of these unpaid bills is an unnecessary accounting procedure and expense to the City.

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 \$13,219.06 incurred through December 31, 2000 are hereby deleted from the City's accounting records.

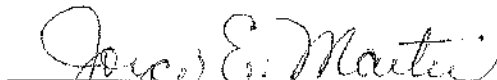
Section 2. That this Ordinance shall take effect from and after its publication in the official City newspaper.

PASSED and APPROVED THIS 8th day of May, 2001.



Mayor

Attest:


City Clerk

Name	\$ Amount
Donna Adams (Bankruptcy)	\$ 151.87
Chariti F. Allen	445.00
Ron Allen	510.42
Kathryn Ashburn (Bankruptcy)	702.42
Lloyd M. Bailey (Deceased)	121.42
Charles Beissel (Deceased)	247.08
Kenneth L. Bishop III	26.71
Kenneth L. Bishop III	193.32
Troy A. Bland (Coll. Fee)	9.11
James Bloodworth (Coll. Fee)	51.48
Eric Borders	92.92
Eric Brickman	285.64
Freda Briggs (Coll. Fee)	22.80
Tara Brown	89.45
Daniel Bruce	88.14
Helen J. Dionne	383.72
Gina R. Eichman	81.60
George L. Foltz	41.12
Lucas and Blanca Gonzalez	41.21
Mike Gretencord (Bankruptcy)	4,572.05
Sam Hall (Coll. Fee)	87.97
Roy W. Harris	95.92
Donovan D. Henshall	162.32
Anthony W. Heubach (Coll. Fee)	70.20
Randy Hopper	156.48
Robbin Lomberk	79.78
Lisa Long	106.25
James and Debera Magers	371.86
James and Debera Magers	153.12
Scott Manbeck (Coll. Fee)	18.79
Daisy I. May (Coll. Fee)	75.47
Robert E. McLeod Jr. (Coll. Fee)	75.06
Diana McNair	200.11
Teri Mitchell (Coll. Fee)	34.62
Tom Morgan	202.53
Laurie Parker	965.91
Sherry Marie Parker (Coll. Fee)	36.23
Cindy Patrick	151.04
Travis L. Pearson	84.11
Kathy Bloodworth Rose (Coll. Fee)	20.97

Attachment to Ordinance No. 3415
Page Three

Name	\$ Amount
Jessica Shenk	\$ 153.35
Barbara Shields (Deceased)	204.87
Staci Simpson	113.86
Angel Skaggs (Coll. Fee)	35.44
Kenneth R. Squire (Deceased)	74.89
Wendy Stacy (Coll. Fee)	54.29
Kinda Michelle Star (Coll. Fee)	56.85
Roger Stewart	53.29
Linda and Ed Stuteville	93.03
Charles Thomas	270.60
Brandon Trivitt/A. Thompson (Coll. Fee)	6.69
Richard/Kelly Wadewitz (Coll Fee)	88.12
Shelly Walden	426.83
Ada Williams (Coll. Fee)	11.58
Susan G. Williams	269.15
Total	\$13,219.06

ORDINANCE NO. 3416

AN ORDINANCE ADOPTING THE APPENDICES TO THE UNIFORM BUILDING CODE, 1997 EDITION

WHEREAS, The City of Garnett, Kansas has adopted the Uniform Building Code, 1997 Edition, as published by the International Conference of Building Officials; and

WHEREAS, In adopting such Code the appendices thereto were not specifically adopted; and

WHEREAS, Failure to make specific reference to and to adopt said appendices leaves gaps in the application of said Code and makes enforcement of some provisions of the Code difficult or impossible.

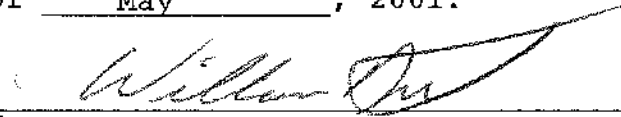
NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

SECTION 1: All appendices to the Uniform Building Code, 1997 Edition, published by the International Conference of Building Officials, whose address is 5360 South Workman Mill Road, Whittier, California 90601, are hereby adopted. The copies of said Code, kept and maintained by the City, which are not fewer than three in number and have been marked "Official Copy as Adopted by Ordinance 3281", contain such appendices and a copy of this Ordinance shall be attached to each of the said copies now filed in the office of City Clerk.

SECTION 2: All provisions of Ordinance 3281 heretofore adopted August 11, 1998 by the City of Garnett, Kansas, remain in full force and effect and it shall be deemed that this ordinance is supplementary thereto.


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

PASSED This 8TH day of May, 2001.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE COORDINATING THE MECHANICAL, PLUMBING, BUILDING AND ELECTRIC CODES WITH APPLICABLE FEDERAL PROVISIONS GOVERNING MANUFACTURED HOMES; REQUIRING INSPECTION OF MANUFACTURED HOMES TO DETERMINE COMPLIANCE WITH APPLICABLE CODES UNDER CERTAIN CIRCUMSTANCES; PROVIDING PENALTY FOR VIOLATION OF THIS ORDINANCE.

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

Section 1. To the same extent as any other structure in the City of Garnett, all manufactured housing located in, or proposed to be located within, the City of Garnett shall be subject to inspection by the Building Official to ensure compliance with the provisions of the Uniform Building Code, the Uniform Plumbing Code, the Uniform Electrical Code, and the Uniform Mechanical Code as each have been adopted by the City of Garnett; provided, however, newly manufactured housing units which have never previously been set or located upon a site and hooked to utilities shall be exempt from the provisions of this title and chapter upon evidence being furnished to the Building Official that such unit was manufactured in compliance with applicable federal standards for such housing; but, provided, further, nothing in this title or chapter shall be construed to excuse compliance with, or exempt from inspection, the plumbing, electrical, or other "hookups" for any such manufactured housing unit.

Section 2. All manufactured housing units shall be inspected for compliance with all codes by the Building Official:

A. When such unit is to be, or is being, relocated within the city;

B. When application is made to move such unit into the city for purposes of locating the same upon a permanent or semi-permanent site and connecting it to one or more municipal utility services; or,

C. When application for restoration or transfer of utility services to the unit is made following a period of vacancy thereof for six months or longer.

Following any such inspection, the Building Official shall either approve the relocation, move-in or restoration of utility services or deny the same. Any denial shall specify the reasons for such denial.

Section 3. Manufactured housing units shall comply with the

following provisions, which are deemed to be supplementary to all other code provisions of the City applicable to structures occupied as residences:

- A. All electrical systems shall be equal to or better than the original systems and appear to be in good working order.
- B. Plumbing systems shall be sufficient to provide a sanitary environment.
- C. All heating systems and water-heaters shall be equal to or better than the original systems and appear to be in good working order.
- D. Siding shall not be deteriorated, rotted, damaged, or unsightly.
- E. The roof shall be leak free.
- F. Doors and windows, when closed, shall be capable of being locked and preventing storm water from entering the unit.
- G. Floors shall not be deteriorated or damaged to the point of creating a safety concern.
- H. The general appearance of the manufactured housing unit must be structurally sound. No unit will be approved that was manufactured before June 15, 1976.

Section 4. The Building Official may assess a fee for inspecting a manufactured housing unit which is located outside the city limits a distance of 30 miles or more to help defray costs of mileage, travel time or any other cost necessarily expended in carrying out such inspection.

Section 5. No person shall:

- A. Relocate or attempt to relocate a manufactured housing unit within the city;
- B. Move or attempt to move a manufactured housing unit into the city; or,
- C. Secure or attempt to secure the reconnection of utility services to a manufactured housing unit

in violation of this ordinance. Upon conviction of such a violation, a person shall be punished as provided in the general penalty provisions of the Municipal Code.


Ordinance 3417

Page 3

Section 6. The city's codifier shall designate this ordinance as Chapter 14 of Title IV of the Municipal Code.

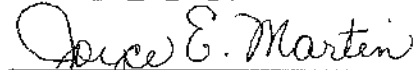
Section 7. This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 22nd day of May, 2001.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3420

AN ORDINANCE AMENDING TITLE 7, CHAPTER 3, SECTION 3 OF THE MUNICIPAL CODE, RELATING TO THE EXPLODING OF FIREWORKS; 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:

(A) Any fireworks or explosives described in Section 1 of this Chapter, except on the days such fireworks may lawfully be sold at retail; and

(B) Any fireworks or explosives described in Section 1 of this Chapter and 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.

(C) Any fireworks or explosives described in Section 1 of this Chapter 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 from and after its passage and publication in an official

newspaper of the City of Garnett.

PASSED this 12th day of June, 2001.

William D. Dues
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 3423

AN ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS, TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PAY THE COSTS OF ACQUIRING, CONSTRUCTING AND INSTALLING A MANUFACTURING FACILITY FOR THE CITY TO SUBLEASE TO SPI, INC.; AND TO APPROVE THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, under the constitution and statutes of the State of Kansas, particularly Article 12, §5 of the Kansas Constitution and K.S.A. 12-101, the City of Garnett, Kansas (the "City") is empowered to enter into certain leases, lease purchase agreements and installment purchase agreements for the lease and/or acquisition of property; and

WHEREAS, K.S.A. 10-1116b provides in pertinent part that nothing in the provisions of K.S.A. 10-1101 *et seq.* (Kansas Cash Basis Law) shall prohibit a municipality from entering into a lease agreement, with or without an option to buy, or an installment-purchase agreement, if any of such agreements specifically state that the municipality is obligated only to pay periodic payments or monthly installments under the agreement as may lawfully be made from (a) funds budgeted and appropriated for that purpose during such municipality's current budget year or (b) funds made available from any lawfully operated revenue producing source; and

WHEREAS, the City has immediate need for a manufacturing facility (the "Facility") to be located in the City to further its governmental and public purpose of economic development as contemplated by law, but does not have sufficient moneys on hand legally available to purchase the Project (as defined herein) for sublease to SPI, Inc. (the "Company"); and

WHEREAS, the governing body of the City has heretofore adopted a Resolution on January 23, 2001 declaring the intent of the City to enter into a financing arrangement involving a Lease Purchase Agreement and the issuance and delivery of not to exceed \$1,300,000 principal amount of Lease Purchase Agreement Certificates of Participation, Series 2001 (the "Certificates"); and

WHEREAS, in order to facilitate the foregoing and to pay the cost thereof, it is necessary and desirable for the City to take the following actions:

1. Enter into a Site Lease (the "Site Lease") with the City, as lessor, and Security Bank of Kansas City, Mission, Kansas (the "Trustee"), as lessee, pursuant to which the City will lease the Site (defined therein) to the Trustee on the terms and conditions set forth therein, a form of which has been submitted to the governing body for review;
2. Enter into an annually renewable Lease Purchase Agreement (the "Lease") with the Trustee, pursuant to which the City will lease the Project on a year-to-year basis from the Trustee with an option to purchase the Trustee's interest in the Project, a form of which has been submitted to the governing body for review;

3. Enter into a Sublease (the "Sublease") with the City, as sublessor, and the Company, as sublessee, pursuant to which the City will sublease the Project to the Company on the terms and conditions set forth therein, a form of which has been submitted to the governing body for review.

4. Approve a Declaration of Trust (the "Declaration of Trust"), by the Trustee, pursuant to which Certificates of Participation (as defined below) will be executed and delivered, a form of which has been submitted to the governing body for review;

5. Approve a Guaranty Agreement (the "Guaranty Agreement") between the Company and the Company's stockholders Michael L. Wedel and Deborah L. Wedel, as guarantors, and the Trustee, pursuant to which the guarantors (i) jointly and severally guarantee payment to the Trustee of all payments of Rent to be made by the City under the Lease, all rental payments to be made by the Company under the Sublease, and all other obligations assumed by the Company under the Sublease, (ii) agree to furnish certain life insurance on the lives of the stockholders, the proceeds of which are required to be used to prepay Certificates of Participation (as defined below), and (iii) make certain other covenants with respect to transfer and/or distribution of the guarantors' assets;

6. Approve an Official Statement respecting Certificates of Participation, Series 2001 (the "Certificates of Participation"), evidencing proportionate interests of the owners thereof in basic rent payments to be made by the City under the Lease, to be in substantially the same form as the Preliminary Official Statement respecting the Certificates of Participation heretofore approved (the "Preliminary Official Statement," and together, the "Official Statement");

7. Enter into a Continuing Disclosure Agreement (the "Continuing Disclosure Agreement") with the Trustee pursuant to which the City agrees to provide, upon request, certain financial and other information with respect to the Certificates of Participation, a form of which has been submitted to the governing body for review;

8. Enter into a Cooperation Agreement with Anderson County, Kansas (the "Cooperation Agreement") providing for payment to the City of moneys to be applied against the City's obligation to pay Basic Rent Payments (as defined in the Lease), a form of which has been submitted to the governing body for review.

The Site Lease, the Lease, the Sublease, the Cooperation Agreement and the Continuing Disclosure Agreement are referred to together herein as the "City Documents."

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

Section 1. Authorization and Approval of City Documents and Declaration of Trust.

(a) The City Documents and the Declaration of Trust are hereby approved in substantially the forms submitted to and reviewed by the governing body on the date hereof, with such changes therein

as shall be approved by the Mayor, the Mayor's execution of the City Documents to be conclusive evidence of such approval.

(b) The obligation of the City to pay Basic Rent Payments (as defined in the Lease) under the Lease is subject to annual appropriation and 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.

(c) The Mayor is hereby authorized and directed to execute and deliver the City Documents and to approve changes to the Declaration of Trust on behalf of and as the act and deed of the City. The City Clerk and the Deputy City Clerk, and each of them, are hereby authorized to affix the City's seal to the City Documents and attest said seal.

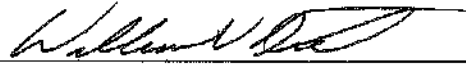
Section 2. Approval of Official Statement. The final Official Statement is hereby authorized and approved, supplementing, amending and completing the Preliminary Official Statement, with such changes therein and additions thereto as shall be approved by the officer of the City executing the final Official Statement, said officer's execution thereof to be conclusive evidence of said officer's approval thereof, and the public distribution of the final Official Statement by the Underwriter are in all respects hereby authorized and approved. The Mayor of the City is hereby authorized to execute and deliver the final Official Statement on behalf of and as the act and deed of the City.

For the purpose of enabling the Underwriter to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the City hereby deems the information regarding the City contained in the Preliminary Official Statement to be "final" as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and the appropriate officers of the City are hereby authorized, if requested, to provide the Underwriter a letter or certification to such effect and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Underwriter to comply with the requirement of such Rule.

Section 3. Further Authority. The City shall, and the officials and agents of the City are hereby authorized and directed to, take such actions, 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 City Documents, the other documents authorized or approved hereby and the Project. Without limiting the foregoing, the Mayor is hereby authorized, if required, to execute any certificate or agreement to allow the Underwriter to comply with Rule 15c2-12 of the Securities and Exchange Commission. Also, the Mayor is hereby authorized to assign the City's rights under the Sublease and the Cooperation Agreement to the Trustee as security for the City's obligation to make Basic Rent Payments under the Lease.

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

PASSED by the governing body and approved by the Mayor of the City of Garnett, Kansas, this 10th day of July, 2001.



Mayor

(SEAL)

ATTEST:



City Clerk

ORDINANCE NO. 3425

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", 2001 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", 2001 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. 3425" 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 of the Standard Traffic Ordinance for Kansas Cities, Edition of 2001, are hereby omitted.

Section 3: This ordinance shall be deemed amendatory to Title 10, Chapter 7 of the Municipal Code. The penalty


Ordinance Adopting Std. Traffic
Ordinance; Page 2

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.

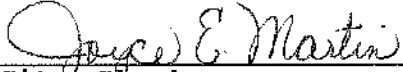
Section 5: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 24th day of July, 2001.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3427

**AN ORDINANCE ATTESTING TO THE POSSIBLE INCREASE IN TAXES
LEVIED FOR BUDGET YEAR 2002 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, 2002 until December 31, 2002.

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 2001.

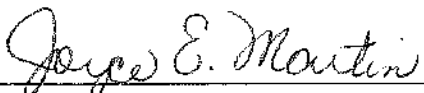
Section Three. This ordinance shall take effect after its publication once in the official City newspaper.

Passed and approved by the Governing Body on this 14th day of August, 2001.



Mayor

ATTEST:



City Clerk

(SEAL)

AN ORDINANCE AMENDING TITLE 10, CHAPTER 5, SECTION 1, DESIGNATING "ONE WAY" STREETS AND ALLEYS; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER

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

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

10-5-1: ONE-WAY STREETS AND ALLEYS DESIGNATED:
When properly posted, traffic shall move only in the one direction indicated on each of the streets or alleys, or portions thereof, to-wit:

(A) On the street running parallel to East Fifth Avenue, between Oak Street and Main Street (and being a part of the Courthouse Square in Block 46 of the original City of Garnett), vehicular traffic shall move only from west to east thereon.

(B) On the alley between Fourth and Fifth Avenues, from Maple Street to Vine Street, vehicular traffic shall move from east to west thereon.

(C) On the loading zone north of Longfellow School, parallel to and adjacent immediately to the south of the paved portion of Sixth Avenue, vehicular traffic shall move from west to east thereon.

(D) On the aley between Fourth and Fifth Avenues, from Oak Street to Walnut Street, vehicular traffic shall move from east to west thereon.

(E) On the alley between Third and Fourth Avenues, from Main Street to Oak Street, vehicular traffic shall move from east to west thereon.

SECTION 2: Title 10, Chapter 5, 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 _____ day of August, 2001.

Mayor

A T T E S T:

City Clerk

This ordinance was not approved. Commission rescinded original motion to declare alley one-way.

Judge Martin

ORDINANCE NO. 3430

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:

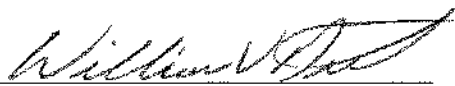
4-6-7: PERIODIC CHARGES; EFFECTIVE DATE:

- (A) Residential Service: The customer charge for this class of service shall be \$13.00 per month; the sewer service charge for this class of service shall be \$3.60 per 1,000 gallons of water.
- (B) General Service: The customer charge for this class of service shall be \$13.00 per month; the sewer service charge for this class of service shall be \$3.60 per 1,000 gallons of water.
- (C) BOD Surcharge: The BOD surcharge shall be \$0.512 per pound.
- (D) SS Surcharge: The SS surcharge shall be \$0.348 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, 2001. 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, 2001, whichever is later.

PASSED this 28th day of August, 2001.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3431

**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:

The Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, in Anderson County, Kansas, less the following described tracts:

1. Commencing at the southwest corner of the East Half (E/2) of the Northeast Quarter (NE/4) of said Section Nineteen (19), thence North 300 feet, thence East 300 feet, thence South 300 feet, thence West 300 feet to the place of beginning, which said excepted tract heretofore been sold off to the Garnett, Kansas Council #1368 K.O.C., Inc., a corporation.
2. Beginning 300 feet North of the southwest corner of the East Half (E/2) of the Northeast Quarter (NE/4) of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence North 200 feet, thence East 50 feet, thence South 200 feet, thence West 50 feet to the place of beginning.
3. Beginning 495.07 feet North of the southwest corner of the East Half (E/2) of the Northeast Quarter (NE/4) of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian; thence North 180 feet; thence East 50.57 feet; thence South 180 feet; thence West 50.58 feet to the point of beginning.

And also less:

- A. Beginning at the southwest corner of the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence East 300 feet, thence North 300 feet, thence North $35^{\circ}43'03''$ East 232 feet, thence Northwesterly to a point on the quarter-quarter section line 380 feet east of the northwest corner of the said Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of said Section Nineteen (19), thence West 380 feet to the northwest corner of said quarter-quarter section, thence South 1320 feet more or less to the place of beginning.
- B. Beginning at a point 300 feet east of the southwest corner of the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence North 300 feet, North $35^{\circ} 43' 3''$ East 232 feet, thence Northwesterly along the existing east boundary of the City of Garnett, Kansas to a point at which the east right-of-way line of Links Drive intersects therewith, thence South $74^{\circ} 38' 57''$ East 880 feet, more or less, to the west right-of-way line of the county road right-of-way, being approximately 33 feet west of section line, thence South 309 feet, more or less, to a point 33 feet due west of the northeast corner of the Southeast Quarter (SE/4) of said Section Nineteen (19), thence West to point of beginning;

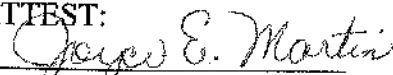
having met the applicable conditions for annexation prescribed in K.S.A. 12-520, is hereby annexed to and made a part of the City of Garnett, Kansas.

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 28th day of August, 2001.



William V. Dick, Mayor

ATTEST:


Joyce E. Martin, City Clerk

ORDINANCE NO. 3435

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 24 DEALING WITH REGULATION OF USE OF THE MUNICIPAL GUN RANGE; ESTABLISHING NEW AND RESTATING OTHER RULES AND PROVIDING FOR THE ADOPTION OF FURTHER RULES BY SIMPLE RESOLUTION; 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 5, Section 24 of the Municipal Code is hereby amended to read as follows:

9-5-24: GUN RANGE REGULATIONS:

(A) All motor vehicles shall be parked on the parking area provided or on the adjacent gravel roads and at no time shall motor vehicles be driven upon or parked on the designated gun range area, except for special events as may be approved and expressly authorized by the Governing Body.

(B) The use or possession of any alcoholic beverage or cereal malt beverage upon the gun range is hereby prohibited.

(C) Nothing in this section, or in any rules subsequently adopted by simple resolution under the authority of Sub-paragraph D hereof, shall be construed to prohibit skeet or trap shooting at the area designated as the Garnett Gun Club in the North City Park.

(D) The Governing Body, on recommendation of the City Manager, in consultation with appropriate qualified persons, may establish rules and regulations on the use of the Municipal Gun Range. Such regulations may be issued in conjunction with or to provide for the administration by the Lake Garnett Sporting Club, Inc. or its successor and may regulate the persons allowed to use the range, the caliber and type of weapons that can be used on the range, and operational or procedural rules, the purpose of which is to promote and encourage safe use of said range. Such resolution may from time to time be adopted or amended by the Governing Body and shall make reference to this subsection and when published once in an official newspaper of the City of Garnett shall have the same force and effect as if set out word for word in this Section.

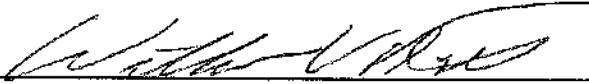
(E) Violation of this Section shall be a misdemeanor and shall be punishable upon conviction by imposition of the general penalty provisions of this Code. The City of Garnett reserves the right, in addition to or in lieu of prosecution in the Municipal Court for any violation hereof, to bar such person or persons violating said rules from the premises of the Municipal Gun Range and to enforce the same if necessary through action in the

District Court of Anderson County, Kansas, by injunction or otherwise, the cost of such proceedings being taxed to such person or persons.

SECTION 2: Title 9, Chapter 5, Section 24 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 9th day of October, 2001.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3437

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. 9/11/01-1 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 received waivers (the "Waivers") of public hearing and right to protest the levy of special assessment from the owners of 100% of the property liable for assessment for the cost of the Improvements; and

WHEREAS, the Governing Body 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:

Pave Links Drive in the Prairie Links Addition, such street paving to be asphalt overlay, 5 inches thick by 18 feet in width, including preparation of roadway with aggregate sub-grade according to good engineering practices;

there are hereby levied and assessed the amounts (with such clerical or administrative amendments thereto as may be approved by the City Attorney) against the property described on *Exhibit A* 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.

SECTION 3. Notification. The City Clerk shall notify the owners of the properties described in *Exhibit A* attached hereto insofar as known to said City Clerk, of the amounts of their respective assessments; and, said notice shall further state that pursuant to the Waivers, bonds will be issued therefore, and the amount of such assessment will be collected in installments with interest.

SECTION 4. Certification. The special assessments shall be certified by the City Clerk to the County Clerk in the same manner and at the same time as other taxes are certified and will be collected over a period of 10 years, together with interest on such amounts at a rate not exceeding the maximum rate therefore 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 October 23, 2001 and signed by the Mayor.



Mayor

(SEAL)

ATTEST:



City Clerk

EXHIBIT A

LINKS DRIVE

Description of Property:

Lots One (1) through Sixteen (16) of the Prairie Links Addition to the City of Garnett, Anderson County, Kansas.

Amount of Assessment:

\$62,000

Total cost of assessment is equal to \$3,875 per each of sixteen (16) lots.

ORDINANCE NO. 3439

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. 9/11/01-1 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 received waivers (the "Waivers") of public hearing and right to protest the levy of special assessment from the owners of 100% of the property liable for assessment for the cost of the Improvements; and

WHEREAS, the Governing Body 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:

Pave Links Drive in the Prairie Links Addition, such street paving to be asphalt overlay, 5 inches thick by 18 feet in width, including preparation of roadway with aggregate sub-grade according to good engineering practices;

there are hereby levied and assessed the amounts (with such clerical or administrative amendments thereto as may be approved by the City Attorney) against the property described on *Exhibit A* 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.

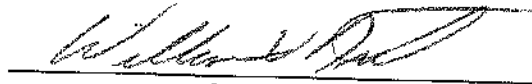
SECTION 3. Notification. The City Clerk shall notify the owners of the properties described in *Exhibit A* attached hereto insofar as known to said City Clerk, of the amounts of their respective assessments; and, said notice shall further state that pursuant to the Waivers, bonds will be issued therefor, and the amount of such assessment will be collected in installments with interest.

SECTION 4. Certification. The special assessments shall be certified by the City Clerk to the County Clerk in the same manner and at the same time as other taxes are certified and will be collected over a period of 10 years, 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. Repealer. Ordinance No. 3437 is hereby repealed.

SECTION 6. 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 13, 2001 and signed by the Mayor.



Mayor

(SEAL)

ATTEST:



City Clerk

ORDINANCE NO. 3440

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 21(C), TITLE 9, CHAPTER 5, SECTION 13(A) AND TITLE 9, CHAPTER 5, SECTION 14(B)(1) OF THE MUNICIPAL CODE, REGARDING FEES FOR CERTAIN USES OF CITY PARK SERVICES; REPEALING EXISTING PROVISIONS OF SAID TITLE AND CHAPTER.

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

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

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

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

Overnight camping (per unit/per night)	
Garnett resident	\$5.00
Anderson County resident	7.00
All others	9.00
Overnight camping (per unit/per night)	
with electric hookup	
Garnett resident	\$10.00
Anderson County resident	12.00
All others	14.00
Overnight camping (per unit/per night)	
with electric hookup and water	
Garnett resident	\$12.00
Anderson County resident	14.00
All others	16.00

. . .

Section 2. Title 9, Chapter 5, Section 13(A) of the Municipal Code is hereby amended to read as follows, to-wit:

9-5-13: **FISHING:**

(A) Permit Required; Exception:

1. No person shall fish or attempt to fish from any City lake without having been issued and having in his 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 (5) consecutive day permit | 8.00 |

Such permit, except the five (5) day permit, 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 (5) day permit shall expire at fifty nine minutes after eleven o'clock (11:59) P.M. on the fifth day of the five (5) day period for which it shall be issued. Such a five (5) day permit shall be issued only for consecutive days. All such permits shall entitle the holder to fish in any City lake.

2. A duplicate City fishing permit or trout permit may be issued to the original holder or permittee upon furnishing evidence that the same has been lost or destroyed and upon payment of a one dollar (\$1.00) replacement fee to the City Clerk.

Section 3. Title 9, Chapter 5, Section 14(B)(1) of the Municipal Code is hereby amended to read as follows, to-wit:

9-5-14 **BOATING:**

(B) Permits:

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 where 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
Non-motorized 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
Non-motorized 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
Non-motorized craft, i.e., sailboats, canoes, etc.	15.00

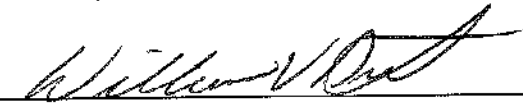
Five (5) Consecutive Day Permit

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

Section 4. Title 9, Chapter 5, Section 21(C), Title 9, Chapter 5, Section 13(A) and Title 9, Chapter 5, Section 14(B) (1) as the same presently exist are hereby repealed.


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

PASSED this 13th day of November, 2001.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3441

**AN ORDINANCE AMENDING TITLE 10, CHAPTER 5, SECTION 1,
DESIGNATING "ONE WAY" STREETS AND ALLEYS; REPEALING EXISTING
SECTION OF SAID TITLE AND CHAPTER**

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

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

10-5-1: ONE-WAY STREETS AND ALLEYS DESIGNATED:

When properly posted, traffic shall move only in the one direction indicated
on each of the streets or alleys, or portions thereof, to-wit:

(A) On the street running parallel to East Fifth Avenue, between
Oak Street and Main Street (and being a part of the Courthouse Square
in Block 46 of the original City of Garnett), vehicular traffic shall move only
from west to east thereon.

(B) On the alley between Fourth and Fifth Avenues, from Maple
Street to Vine Street, vehicular traffic shall move from east to west
thereon.

(C) On the loading zone north of Longfellow School, parallel to and
adjacent immediately to the south of the paved portion of Sixth Avenue,
vehicular traffic shall move from west to east thereon.

(D) On the alley between Fourth and Fifth Avenues, from Oak
Street to Walnut Street, vehicular traffic shall move from east to west
thereon.

(E) On the alley between Third and Fourth Avenues, from Main
Street to Oak Street, vehicular traffic shall move from west to east
thereon.

SECTION 2: Title 10, Chapter 5, 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.

Ordinance No. 3441
Page Two

PASSED this 13th day of November, 2001.

Mayor

ATTEST:

City Clerk

November 13th, 2001

To the City Commissioners:

We, the undersigned business and land owners, object to the changing of the alley that is situated between 3rd and 4th streets, between Oak and Main, Garnett, KS. It is currently a two way alley and we do not want to make it a one way in either direction.

Kansas State Bank

Steven Doering

Steven Doering Attorney

Stacy M. Smith

Kansas State Title Company

Stacy M. Smith

Country Village

Clark Tucker

Bennett Sewing Center

Carelyn Bennett

Home To Home Health Services

Alvin Sprague


Anderson County Abstract Co.

Carol Dalg

Daisy's and Things

OUT OF TOWN

Goodies Antiques



No action taken.
Commission decided to
leave alley as two-way.

11-13-01

Joyce E. Martin

ORDINANCE NO. 3443

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:

- (A) Construction of a new 0.5 MG elevated storage tank and all related appurtenances thereto; and,
- (B) Rehabilitation and upgrade of the existing 0.1 MG elevated storage tank.

(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 an amount not to exceed \$1,160,000.00 (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 November 1, 2001, 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 Municipality's 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.

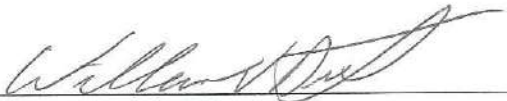
Section 3. Further Authority. The Mayor, Clerk and other City officials and legal counsel are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make 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.

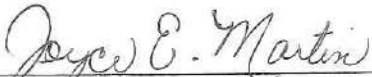
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PASSED by the governing body of the City and signed by the Mayor on November 27, 2001.



William V. Dick, Mayor


ATTEST:



Joyce E. Martin, City Clerk

(Seal)

APPROVED AS TO FORM ONLY:



Terry J. Solander, City Attorney

ORDINANCE NO. 3445

AN ORDINANCE AMENDING TITLE 4, CHAPTER 5, SECTION 5 (B) AND SECTION 5 (C) REGULATING PERIODIC RATES CHARGED FOR POTABLE WATER SOLD AND DELIVERED BY THE GARNETT MUNICIPAL WATER UTILITY; REPEALING EXISTING RATES.

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

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

4-4-5 (B): Water Service; Periodic Rates: Water sold and delivered by the 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 <u>1-1-2002</u>
1. Residential – Service – Standard:	
Customer Charge	\$ 8.50
Water (per 1,000 gals.)	5.50
2. Residential – Service – Outside City:	
Customer Charge	\$16.95
Water (per 1,000 gals.)	7.20
3. General – Service – Standard:	
Customer Charge	\$12.00
Water (per 1,000 gals.)	5.50
4. General – Service – Outside City:	
Customer Charge	\$18.20
Water (per 1,000 gals.)	7.20

SECTION 2: Title 4, Chapter 4, Section 5 (C) is hereby amended to read as follows:

4-4-5 (C): Coin Sales: All water sold by the City of Garnett from its water utility at coin-operated dispensing units shall be charged for at the rate of Seven Dollars Twenty Cents (\$7.20) per one thousand (1,000) gallons sold.

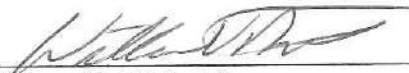
SECTION 3: Wholesale Rate: All water sold by the City of Garnett, Kansas from its water utility to wholesale users shall be charged for at the rate of Two Hundred Fifty Dollars (\$250.00) for up to sixty thousand (60,000) gallons of water during one (1) monthly billing period and for monthly consumptions over sixty thousand (60,000) gallons at the rate of Four Dollars Fifty Cents (\$4.50) per one thousand (1,000) additional gallons for bills rendered after January 1, 2002.

SECTION 4: The official codifier of the City of Garnett, Kansas is hereby instructed to assign Section 3 of this ordinance to Title 4, Chapter 4, Section 5 (D) in the Official Municipal Code.

SECTION 5: Title 4, Chapter 4, Section 5 (B) and Title 4, Chapter 4, Section 5 (C) as the same presently exist are hereby repealed.

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

PASSED this 11th day of December, 2001.



William V. Dick, Mayor

ATTEST:



Joyce E. Martin, City Clerk

ORDINANCE NO. 3446

AN ORDINANCE AUTHORIZING THE ISSUANCE AND DELIVERY OF \$60,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2001-A, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PAYING THE COST OR A PORTION OF THE COST OF CERTAIN IMPROVEMENTS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX AND SPECIAL ASSESSMENTS FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

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

WHEREAS, pursuant to the Act (as hereinafter defined) and all other applicable provisions of the laws of the state of Kansas, the governing body of the City has caused the improvements herein identified to be undertaken in the City (such improvements and any Substitute Improvements as defined in this Ordinance to be referred to as the "Improvements"); and

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 is at least \$60,000, to be paid 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, the governing body of the City hereby finds and determines it is necessary for the City to authorize the issuance and delivery of its general obligation bonds in the principal amount of \$60,000 to pay the costs of the Improvements;

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

Section 1. Definitions of Words and Terms.

"Act" means the Constitution and all applicable statutes of the State including but not limited to K.S.A. 10-101 *et seq.* and K.S.A. 12-6a01 *et seq.*, all as amended and supplemented.

"Authorized Cost" means the amount of expenditure for an Improvement which has been authorized to be paid by the City by a resolution or ordinance of the City, less (1) the amount of any notes or bonds of the City which are currently outstanding and available to pay the Authorized Cost, and (2) any Authorized Cost which have been previously paid by the City or by any eligible source of funds unless such amounts are entitled to be reimbursed under State and federal law.

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

"Bonds" means the General Obligation Bonds, Series 2001-A authorized by this Ordinance in the aggregate principal amount of \$60,000 and dated December 15, 2001.

"City" means the City of Garnett, Kansas.

"City Clerk" means the appointed and acting City Clerk or, in the City Clerk's absence, the appointed and/or elected Deputy or Acting City Clerk of the City.

"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 Links Drive Project and any Substitute Improvements.

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

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

"State" means the state of Kansas.

"Substitute Improvement" means the substitute or additional improvement of the City as authorized by Section 504 of the resolution hereinafter adopted by the governing body with respect to the Bonds.

"Treasurer" means the appointed and acting Treasurer of the City or, in the Treasurer's absence, the appointed and/or elected Deputy or Acting Treasurer of the City.

Section 2. Authorization of and Security for the Bonds. These Bonds shall be issued for the purpose of providing funds to pay the Authorized Costs of the Improvements.

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 certain portions 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 shall be 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 3. 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 hereinafter adopted by the governing body of the City with respect to the Bonds.

Section 4. Levy and Collection of Annual Tax and Special Assessments. 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 referred to above shall be spread upon the tax rolls 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, and the proceeds derived from the taxes and/or assessments shall be deposited in the Bond and Interest Fund.

If at any time the 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 the principal or interest out of the general funds of the City and to reimburse the general funds for money so expended when the taxes and/or assessments are collected.

Section 5. Tax Covenants. The City covenants and agrees that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion of the interest on the Bonds from gross income for federal income tax purposes. The City covenants and agrees that it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purpose for which the Bonds are issued as previously set forth, and that it will not directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City, or take or omit to take any action that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code. To that end, the City will comply with all requirements of Section 148 of the Code to the extent applicable to the Bonds.

Section 6. Further Authority. The Mayor, City Clerk and other City officials are authorized and directed to execute such documents and take such actions as they may deem necessary or advisable in order to carry out the purposes of this Ordinance.

Section 7. Governing Law. The Ordinance and the Bonds shall be governed 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.

PASSED by the governing body of the City on December 11, 2001.

(SEAL)



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3453

AN ORDINANCE AMENDING TITLE 9, CHAPTER 4, SECTION 4 OF THE MUNICIPAL CODE DEALING WITH THE ABATEMENT OF WEEDS, ASSESSING THE COSTS OF SUCH ABATEMENT, IMPOSING PENALTY FOR FAILURE TO PAY AND PROVIDING FOR THE ASSESSMENT OF SUCH UNPAID COSTS; REPEALING EXISTING TITLE, CHAPTER AND SECTION.

BE IT ORDAINED BY THE CITY OF GARNETT, KANSAS:

Section 1. Title 9, Chapter 4, Section 4 of the Municipal Code is hereby amended to read as follows, to-wit:

9-4-4: ABATEMENT OF WEEDS; COSTS ASSESSED AND PENALTY FOR NON-PAYMENT; ASSESSMENT OF SUCH COSTS AGAINST LAND:


- (A) If, after ten (10) days following receipt of the notice required by Section 9-4-3 of this Chapter, the owner, occupant or agent in charge of the premises shall neglect or fail to comply with the requirements of Section 9-4-1 of this Chapter, the public officer or an authorized assistant shall cause to be cut, destroyed and/or removed all such weeds and abate the nuisance created thereby at any time during the current calendar year.
- (B) Following such abatement, the public officer or an authorized assistant shall give notice to the owner, occupant or agent in charge of the premises of the costs of abatement of such nuisance. The notice shall state that payment in full must be made within ten (10) days following receipt of the notice, failing such payment a 20% penalty shall attach and the costs and such penalty will become a lien against the land.
- (C) If such costs remain unpaid after ten (10) days following receipt of such notice, a penalty of 20% of the unpaid balance shall be added thereto and the City Clerk shall make a record of the costs of cutting and destruction and/or removal and shall certify the same to the County Clerk, who shall cause such costs to be assessed against the particular lot or piece of land on which such weeds were so removed, and against such lots or pieces of land in front of or abutting on such street or alley on which such weeds were so removed. The City Clerk shall certify the assessment to the County Clerk at the time other special assessments are certified for spreading on the county's tax rolls.

(D) Charges for removal of weeds or rubbish from private property when performed by the City shall be charged at the rate of \$75.00 per hour, with a minimum charge of \$100.00 per lot.

Section 2. The provisions of Title 9, Chapter 4, Section 4, as the same presently exist, are hereby repealed.

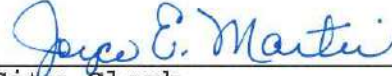
Section 3. This ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the city.

PASSED this 12th day of March, 2002.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3454

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 12 AND TITLE 9, CHAPTER 5, SECTION 18 OF THE MUNICIPAL CODE, REGULATING CERTAIN HUNTING ACTIVITIES WITHIN CITY PARKS; REPEALING EXISTING PROVISIONS OF SAID TITLE, CHAPTER, AND SECTIONS

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

SECTION 1: Title 9, Chapter 5, Section 12 of the Municipal Code is hereby amended to read as follows:

9-5-12: HUNTING:

(A) The hunting, shooting, trapping, or capturing in any manner and the injuring, pursuing, or molesting in any way of any bird or animal on or within any City Park is prohibited, except as provided in Subparagraph (B) hereof.

(B) Waterfowl hunting within the park area surrounding Cedar Valley Reservoir shall be permitted from October 1st of each year through January 31st the following year. Anyone hunting shall observe all Kansas waterfowl seasons and all applicable hunting or trapping regulations. The hunting area within the Cedar Valley Reservoir shall be limited to that part of the park adjacent to the reservoir lying north of the northern-most boat ramp. No hunting, shooting, trapping, or other similar activities shall be allowed in any area lying south of said boat ramp, which shall be preserved exclusively for a fishing and camping area.

SECTION 2: Title 9, Chapter 5, Section 18 of the Municipal Code is hereby amended to read as follows:

9-5-18: DUCK BLINDS:

(A) It shall be unlawful to build, erect, set up, emplace, or otherwise establish, permanently or temporarily, any structure or facility commonly called a "duck blind" within any city park.

(B) Nothing in this section shall prohibit the use of a duck blind that is built or situated upon a boat or raft and which does not require any permanent attachment to the ground. Operation of any such floating duck blind shall be subject to boating regulations applicable to all watercraft in any city park.

SECTION 3: Title 9, Chapter 5, Section 12 and Title 9, Chapter 5, Section 18 as both presently exist are hereby repealed.

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

PASSED This 12th day of March, 2002.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3455

AN ORDINANCE AMENDING CERTAIN BOAT RULES AND REGULATIONS,
REGULATING SPEED BOATS AND AMENDING TITLE 9, CHAPTER 5, SECTION
16(A) AND PROHIBITING THE ANCHORAGE OF BOATS UNDER CERTAIN
CIRCUMSTANCES

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, beginning May 15th and ending on November 15th of each year, on Lake Garnett. In addition, speed boating and water skiing shall be permitted on Lake Garnett 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 thirty (30) minutes before sunrise on any permitted day and shall end thirty (30) minutes after sunset of each such day. Speed boating on Crystal Lake is prohibited at any time and speed boating on any other lake, other than at the times expressly permitted by this chapter, is prohibited.

SECTION 2: The provisions of Title 9, Chapter 5, Section 16(A) as the same presently exist are hereby repealed.

SECTION 3: No person shall anchor any boat or watercraft within fifty feet (50') of any fish feeder on any lake within any city park.

SECTION 4: The City's codifier is hereby instructed to insert the above boating regulation in Title 9, Chapter 5, Section 15(L), and number the same as Subsection (8) thereof.

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

PASSED this 26th day of March, 2002.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3460

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 21(C) OF THE MUNICIPAL CODE, REGARDING FEES FOR CAMPING IN THE CITY PARKS; REPEALING EXISTING PROVISIONS OF SAID TITLE AND CHAPTER.

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

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

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

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

Overnight camping (per unit/per night)	
Garnett resident	\$5.00
Anderson County resident	7.00
All others	9.00
Overnight camping (per unit/per night)	
with electric hookup	
Garnett resident	\$10.00
Anderson County resident	12.00
All others	14.00
Overnight camping (per unit/per night)	
with electric hookup and water	
Garnett resident	\$12.00
Anderson County resident	14.00
All others	16.00

Provided, however, for groups of five (5) camping units or more, camping for the same period of time as a group, in the north camp site of the Lake Garnett Park, each unit shall be entitled to an electric hookup without charge beyond the basic or "wilderness" camping rate. The rate shall be determined on the basis of residence of each camper and camping unit and not on the basis that one of such group may qualify for a lower rate.

Section 2. Title 9, Chapter 5, Section 21(C) 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 2nd day of May, 2002.

Jamuel Shindell
Mayor

ATTEST:

Joyce E. Martin
City Clerk

ORDINANCE NO. 3461

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 \$9,827.70 incurred through December 31, 2001 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 14th day of May, 2002.



Mayor

Attest:



City Clerk

Attachment to Ordinance No.

Page Two

Name	Amount
Michelle Albright	\$ 297.59
Mike Bachman (Bankruptcy)	269.66
Kelly Berry	232.33
David Bibens	298.43
Melinda and Vernon Black (Coll. Fee)	85.36
Chris Burns	215.06
Randy Burton (Deceased)	43.34
Ronald Castleberry Sr.	296.90
Robert Clark	346.09
Amy Davis	202.27
Chris DeVoe	8.22
Shane and April Figgins (Coll. Fee)	50.41
James J. Finley	199.11
Joe and Tracey Foster (Coll. Fee)	47.45
Jackie French	484.04
Heather Gardner	107.02
Ashley Griffin	59.09
Charles Hakes	380.12
Jake Hayden (Coll. Fee)	15.89
Lisa and Eddie Hernandez (Coll. Fee)	167.34
Joseph Hicks	268.15
Jason Hughes	258.36
Ruby Johnson (Coll. Fee)	33.58
Charles and Melody Kerr (Coll. Fee)	72.15
Marilyn Kibbey	161.72
Christopher Kresyman	104.07
Mario Maxson	583.31
Tabitha McCormick	26.85
Christina S. Miller	149.55
Mary E. Neff	620.89
Kimberly Owens (Coll. Fee)	95.80
Gary Pearce Sr. (Deceased)	257.66
Malinda Sjostrom (Coll. Fee)	26.06
Thomas and Pamela Stewart (Coll. Fee)	51.14
James and Tamara Strickler	189.96
Chad and Melissa Trivitt	119.58
Vista Stores	1,944.50
Damon L. Walters (Coll. Fee)	14.22
Dosha M. Walters (Coll. Fee)	155.68
Kimberly Wools	888.75
Total	\$ 9,827.70

ORDINANCE NO. 3462

AN ORDINANCE AMENDING TITLE 4, CHAPTER 8, SECTION 3 OF THE MUNICIPAL CODE RELATING TO THE AMOUNT OF SECURITY DEPOSITS FOR MUNICIPAL UTILITY SERVICES; REPEALING EXISTING PROVISIONS OF TITLE 4, CHAPTER 8, SECTION 3.

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

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

4-8-3: AMOUNT OF DEPOSITS: (A) There is hereby established, for each of the following classes of services, utility security deposits:

- (i) Residential – All Electric, Premises Owner: \$200.00;
- (ii) Residential – All Electric, All Other: \$300.00;
- (iii) All Other Electric Service Customers, Both Residential and General Service: \$100.00;
- (iv) Gas Service Customers – All Classifications: \$100.00;
- (v) Water Service Customers – All Classifications: \$50.00.

(B) Customers receiving more than one utility service shall pay the aggregate amount of such deposits due for the respective combination of utility services they purchase.

(C) Any utility customer, or any person applying to the City for any utility services whose electrical, gas, water, sanitary sewer, trash, or other like utility services shall have been suspended, terminated, or shut off by reason of non-payment of the charges therefore, or who has failed to pay in full when due any final billing for such, within a period of five (5) years immediately last past, whether such suspension, termination, or shut-off was by the City of Garnett or other utility supplier to the customer at a prior location, or whether such failure to pay final billing is billed by the City of Garnett or other utility supplier, shall be liable to post and maintain a deposit as provided in this Chapter, but equal in amount to twice the amount of deposit set out and provided otherwise by this Section.

SECTION 2: Title 4, Chapter 8, Section 3 of the Municipal Code, as the same presently exists, is hereby repealed.

Ordinance No. 3462
Page Two

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 May, 2002.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3464

AN ORDINANCE VACATING A PART OF TENTH, ELEVENTH AND TWELFTH AVENUES AND A CERTAIN ALLEY IN THE CHAPMAN AND MANDОВI ADDITIONS 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.

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 Chapman Addition to the City of Garnett, Kansas, is hereby vacated as a public street, to-wit:

All that part of Tenth Avenue lying east of the former right of way of the A.T.&S.F. Railroad (now "railbanked" and used as a park, commonly known as the "Prairie Spirit Rail Trail") and which is adjacent to and between Blocks 11 and 20, of the Chapman Addition to the City of Garnett, Kansas.

SECTION 2: The following tract of real estate situated in Anderson County, Kansas, a part of the Chapman Addition to the City of Garnett, Kansas, is hereby vacated as a public street, to-wit:

All that part of Eleventh Avenue lying east of the former right of way of the A.T.&S.F. Railroad (now "railbanked" and used as a park, commonly known as the "Prairie Spirit Rail Trail") and which is adjacent to and between Blocks 20 and 21, of the Chapman Addition to the City of Garnett, Kansas.

SECTION 3: The following tract of real estate situated in Anderson County, Kansas, a part of the Chapman and Mandovi Additions to the City of Garnett, Kansas, is hereby vacated as a public street, to-wit:

All that part of Twelfth Avenue lying east of the former right of way of the A.T.&S.F. Railroad (now "railbanked" and used as a park, commonly known as the "Prairie Spirit Rail Trail") and which is adjacent to and between Block 21 of the Chapman Addition to the City of Garnett, Kansas, and Block 1 of the Mandovi Addition to the City of Garnett, Kansas.

SECTION 4: The following tract of real estate situated in Anderson County, Kansas, a part of the Chapman Addition to the City of Garnett, Kansas, is hereby vacated as a public street, to-wit:

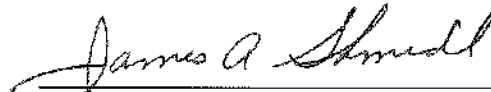
All of the alley running east and west through Block 20 of the Chapman Addition to the City of Garnett, Kansas.

SECTION 5: 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 6: 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 5 hereof.


SECTION 7: 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 28th day of May, 2002.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3467

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:

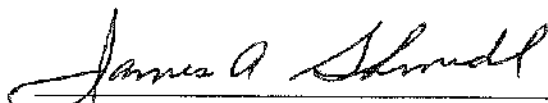
4-4-2A: **RATES FOR GAS UTILITY SERVICE:**

1. Standard Rate – All gas sold by the City to each classification of user above established shall be charged for at the rate of \$6.00 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 June 1, 2002, and after its publication in an official City newspaper.

PASSED this 25th day of June, 2002.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3470

**AN ORDINANCE FIXING TIME LIMITATIONS ON TWO (2) CERTAIN ANGLE
PARKING STALLS ON OAK STREET BETWEEN FIFTH AND SIXTH AVENUES.**

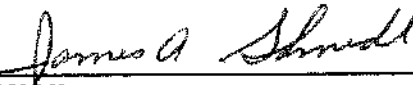
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT,
KANSAS:

SECTION 1: No person shall stand or park any vehicle in the two (2) angle parking stalls immediately to the east of 507/509 South Oak Street, being the two (2) angle parking stalls abutting the curb between a point, on the north, sixty-nine feet (69') and a point, on the south, ninety-nine feet (99') due south of the City street light pole at the intersection of Fifth and Oak Avenues, between the hours of ten o'clock (10:00) A.M. and six o'clock (6:00) P.M. Tuesday through Saturday inclusive for a period of longer than fifteen (15) minutes.

SECTION 2: The City's official codifier is hereby instructed to insert the provisions of this ordinance into Subsection (J) of Title 10, Chapter 2, Section 2 of the Municipal Code.


SECTION 3: This Ordinance shall take effect and be in force from and after its publication in an official newspaper of the City of Garnett, Kansas.

PASSED This 23rd day of July, 2002.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3471

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 28(A) OF THE MUNICIPAL CODE, PROHIBITING THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGE IN CERTAIN AREAS OF THE CITY; 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 28(A) of the Municipal Code is hereby amended to read as follows:

6-1-28: POSSESSION OF ALCOHOLIC BEVERAGE:

- (A) It shall be unlawful for any person to have any alcoholic beverage in his or her possession, except in the original and unopened container, or to consume any alcoholic beverage:
 1. Upon any public street, road, alley, or other right of way, or upon the public square;
 2. While operating any vehicle upon any public street, road, or alley;
 3. In any motor vehicle parking lot whether publicly or privately owned which is accessible to the public, irrespective of whether or not any fee is charged to gain entry of access thereto; or,
 4. In, upon, or within one hundred feet (100') of any public baseball or softball playing field, the Garnett Municipal Swimming Pool, the Garnett Municipal Stadium or the Garnett Sports Complex.

SECTION 2: Title 6, Chapter 1, Section 28(A), as the same presently exists, is hereby repealed.

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

PASSED this 23rd day of July, 2002.

James A. Schmidt

Mayor

A T T E S T:
Joyce E. Martin

City Clerk

ORDINANCE NO. 3472

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 situate in Anderson County, Kansas, to-wit:


Lot 1 & East Half (E½) of Lot 2 of Block 31; and the West Half (W½) of Lot 2 and all of Lots 3, 14, 15, and 16 of Block 31; all in the City of Garnett,

be changed as requested, the zoning classification thereof is HEREBY CHANGED from R-2 Residential Medium Density District to O-I Office and Institutional 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, 3 members voting Aye; 0 members voting Nay; and signed this 13th day of August, 2002.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3473

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 situate in Anderson County, Kansas, to-wit:

Beginning 275 feet North of the existing ½" iron pin at the southwest corner of Lot 1, Block 5 of the Bryson Addition to the City of Garnett, thence North 340 feet, thence West 440 feet, thence South 210 feet, thence East 236 feet, thence South 132 feet, thence East 200 feet to place of beginning, all in the City of Garnett,

be changed as requested; the zoning classification thereof is HEREBY CHANGED from R-2 Residential Medium Density District (covering the southeast corner thereof) and from B-1 General Business District (as to the remainder thereof) to I-1 Light Industrial District as to the entirety of above-described tract.

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.

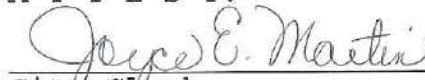
SECTION 3: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett.

PASSED by the Commission, 3 members voting Aye; 0 members voting Nay; and signed this 13th day of August, 2002.



Mayor

A T T E S T:



City Clerk

ORDINANCE 3474

AN ORDINANCE AMENDING TITLE 5, CHAPTER 13, SECTION 4 OF THE MUNICIPAL CODE, CHANGING BONDING REQUIREMENTS, INCREASING THE AMOUNT OF BOND REQUIRED AND REQUIRING LICENSEES TO CARRY LIABILITY INSURANCE AND PERMITTING SUBSTITUTE FOR BOND; 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: BOND AND LIABILITY INSURANCE REQUIRED:

(A) **Bond.** Before receiving any class of license, the applicant shall file a bond in the penal sum of Five Thousand Dollars (\$5,000.00) executed by a corporate surety authorized to do business in the State of Kansas, with the City Clerk, the condition of which shall be: That said licensee will indemnify and keep harmless the City from all liability for any loss arising from his or her negligence in performing that work for which he or she is licensed hereunder and that he or she will also restore the streets, sidewalks, and pavements over all pipes or conduits or cables he may lay and fill all excavations made by licensee so as to leave the sidewalks, streets, and pavements in as good condition as he found them, and that he or she will pay all fines that may be imposed on licensee for a violation of any of the regulations or ordinances of Garnett and in force during the term of said license. Such bond 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) **Liability Insurance and Amount.** 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.

(C) **Bond Requirement Waived under Certain Conditions.** The bond requirement set out in subparagraph (A) hereof may be satisfied, at the option of the licensee, by naming the City of Garnett, Kansas, as additional insured under the policy or policies of insurance furnished by said licensee in satisfaction of the requirements set out in subparagraph (B) hereof. For so long as such a certificate of insurance, as required under subparagraph (B) hereof, shall be on file showing the City of Garnett, Kansas, as an additional insured, the bond requirement of subparagraph (A) is waived.

Section 2. Title 5, Chapter 13, Section 4 as the same presently exists is hereby repealed.

Section 3. 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 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.

Ordinanace
Page 3

PASSED this 13th day of August, 2002.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3476

AN ORDINANCE NAMING A CERTAIN STREET, PRESENTLY UNNAMED, WITHIN THE CITY OF GARNETT, KANSAS

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

SECTION 1: The public road right-of-way recently opened within the Golden Prairie Industrial Park and specifically being a certain street intersecting with Main Street on the west side of said industrial park and running east a distance of approximately 150 feet presently, through Lot Six (6) and into Lot Five (5) of said addition and running approximately perpendicularly to said Main Street, is hereby named and designated "Golden Prairie Avenue".

SECTION 2: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED This 27th day of August, 2002.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3477

AN ORDINANCE ESTABLISHING A PETTY CASH FUND FOR THE CITY OF GARNETT, KANSAS, AND PROVIDING RULES AND PROCEDURES FOR ITS OPERATION, PURSUANT TO THE AUTHORITY OF CHARTER ORDINANCE NO. 18.

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

SECTION 1: There is hereby created and established a petty cash fund for the use of the City of Garnett, Kansas, for the purpose of paying postage, freight, express, travel expenses, temporary labor and any other needed or emergency expenses.

SECTION 2: The petty cash fund shall not exceed \$2,000.00 and shall be deposited and carried as all other City of Garnett public funds, and no use of the fund shall be made without the prior approval by either the City Manager or the City Clerk, and each transaction shall include clear documentation of the purpose for which made.

SECTION 3: Whenever such petty cash fund becomes low or depleted, the City Clerk shall prepare vouchers covering such expenses as have been paid from said fund and shall submit such vouchers on the regular list of claims presented to the Governing Body for allowance from the regular funds of the city. Upon approval, one or more warrants shall be issued payable to the petty cash fund, which shall then be deposited to restore such fund to its original amount.

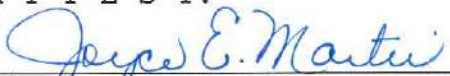
SECTION 4: This ordinance shall take effect and be in force from and after its passage and its publication one time in an official newspaper of the City of Garnett, Kansas.

PASSED by the Governing Body on this 27th day of August, 2002.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3480

AN ORDINANCE VACATING THE ALLEY IN BLOCK 13 OF MANDОВI 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.

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


SECTION 1: The alley in Block 13 of the Mandovi Addition to the City of Garnett, Kansas, is hereby vacated as a public alley.

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

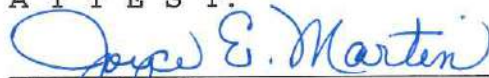
SECTION 4: A certified copy of this ordinance, after the same becomes fully effective, shall be filed by the City Clerk in the offices of the County Clerk and the Register of Deeds in Anderson County, Kansas, and shall be placed of record in each office as provided by law.

PASSED this 24th day of September, 2002.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3483

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 public hearing by them upon proper notice, and this governing body having heretofore accepted such recommendation that the zoning classification of the following described land situate in Anderson County, Kansas, to-wit:

Beginning 210.32 feet south & 40 feet west of the northeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of Section 25, Township 20 South, Range 19 East of the 6th P.M., thence West 521 feet to TRUE POINT OF BEGINNING; thence North 176 feet, thence West 50 feet, thence South 160 feet, thence West 403 feet, thence North 170 feet, thence West 56 feet, thence South 282 feet, thence East 99 feet, thence South 482 feet, thence East 396 feet, thence North 553 feet to the TRUE POINT OF BEGINNING,

be changed from R-2 (Residential--Medium Density District) to B-1 (General Business District), the same is hereby changed.

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 re-incorporated as hereby amended as a part of Ordinance No. 3059 under which authority this amendatory 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, Kansas.

PASSED by the Commission, 3 voting "Aye"; 0 voting "Nay"; on this 22nd day of October, 2002.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3484

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:

A Tract of land in the Southeast Quarter of Section 19, Township 20 South, Range 20 East of the 6th Principal Meridian, Anderson County, Kansas, being more particularly described as follows:

Tract A:

Beginning at an existing 1/2" iron pin at the Southeast corner of the Southeast Quarter of section 19, Township 20 South, Range 20 East of the 6th Principal Meridian; THENCE North 89 degrees 55 minutes 36 seconds West for a distance of 1518.00 feet (92 rods) along the South line of said Southeast Quarter to an existing railroad bolt; THENCE north 00 degrees 09 minutes 29 seconds West for a distance of 400.00 feet parallel with the East line of said Southeast Quarter to a 1/2" iron pin set, the TRUE POINT OF BEGINNING; THENCE North 00 degrees 09 minutes 29 seconds West for a distance of 260.00 feet parallel with said East line to a 1/2" iron pin set; THENCE South 89 degrees 55 minutes 36 seconds East for a distance of 145.00 feet parallel with the South line of said Southeast Quarter to a 1/2 " iron pin set; THENCE South 00 degrees 09 minutes 29 seconds East for a distance of 260.00 feet parallel with said East line to a 1/2" iron pin set; THENCE North 89 degrees 55 minutes 36 seconds West for a distance of 145.00 feet parallel with said South line to the TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 0.87 acres more or less, in Anderson County, Kansas, as shown on survey by Todd B. Burroughs, LS -1187, dated September 16, 2002.

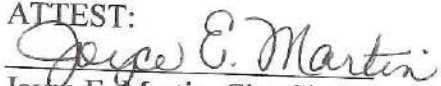
Ordinance No. 3484
City of Garnett
Page 2

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. 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 22nd day of October, 2002.


James A. Shmidl, Mayor

ATTEST:

Joyce E. Martin, City Clerk

ORDINANCE NO. 3485

AN ORDINANCE DEALING WITH REGULATIONS GOVERNING THE KEEPING AND STORING OF CERTAIN MOTOR VEHICLES; AMENDING TITLE 7, CHAPTER 2, SECTION 8(D) AND TITLE 7, CHAPTER 2, SECTION 5(D) OF THE MUNICIPAL CODE; REPEALING EXISTING SECTIONS.

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

Section 1. Title 7, Chapter 2, Section 8(D) of the Municipal Code, is hereby amended to read as follows:

7-2-8: ACCUMULATION OF REFUSE, GARBAGE AND OTHER WASTES:

* * *

(D) No owner or occupant of any dwelling shall store or dispose of any abandoned or inoperable motor vehicle, salvage material, bulky waste, junk or discarded materials on such property unless accumulated, stored and kept within the principal building or any fully enclosed outbuilding or structure and then only so long as such accumulation, storage or keeping is not in violation of any other ordinance or part of this Code. The accumulation, storage and keeping of such materials elsewhere on the premises or upon any vacant residential lot shall be permitted only in accordance with this subsection. The owner or occupant thereof shall keep the premises free of litter, refuse, salvage material and junk. Provided, however:

1. Building materials to be used within one hundred eighty (180) days for construction on the premises, if properly authorized by a building permit, may be kept on such premises if stored at least eighteen inches (18") off the ground and not closer than forty eight inches (48") to a wall or fence. For good cause shown, the City Manager may approve lesser distances;

2. An inoperable motor vehicle may be kept or stored in a garage with a door which is kept closed except as necessary to permit ingress thereto or egress therefrom, and so long as such keeping is not in violation of any other ordinance or part of this Code; and

3. Any vehicle temporarily inoperable but in the process of being repaired or restored to an operational state may be kept outside of a garage on a residential premises for a period of not to exceed thirty (30) days. For good cause shown, the City Manager may extend this period one time for up to an additional fourteen (14) days. Removing any vehicle to another location within the city shall not have the effect of

extending this period, unless the ownership of any such vehicle is transferred and a new certificate of title issued or applied for.

Section 2. Title 7, Chapter 2, Section 5(D) of the Municipal Code is hereby amended to read as follows, to-wit:

7-2-5: MISCELLANEOUS WASTE PROVISIONS:
* * *

- (D) Any abandoned or inoperable vehicle kept in violation of this Chapter shall, after ten (10) days' advance notice to either the property owner or the occupant of the premises upon which the vehicle is being kept and to the registered owner of the said vehicle (if through reasonable means such owner's name and address can be determined) to remove the same, be declared by the City Manager a nuisance for the purpose of complying with Kansas Statutes Annotated 12-1617e(b) thereby permitting the City to remove and abate the same from the property. Disposition of such vehicle shall thereafter be made in compliance with the procedures for impoundment, notice and public auction established in Kansas Statutes Annotated 8-1102(a)(2) and amendments thereto. Provided, however, nothing in this subsection shall prevent the premises owner or occupant, or the vehicle owner, from being cited in Municipal Court for such violation in addition to removal and abatement thereof; nor shall the prior issuance of such a citation be a defense or bar to the abatement and removal procedure. And, provided further, removing any vehicle to another location within the city shall not have the effect of extending the notice period provided in this subsection, unless the ownership of any such vehicle is transferred and a new certificate of title issued or applied for.

Section 3. Title 7, Chapter 2, Section 8(D) and Title 7, Chapter 2, Section 5(D) of the Municipal Code, as the same presently exist, are hereby repealed.


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

PASSED this 12th day of November, 2002.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3487

AN ORDINANCE AUTHORIZING THE ISSUANCE AND DELIVERY OF \$310,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2002-A, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PAYING THE COST OR A PORTION OF THE COST OF CERTAIN IMPROVEMENTS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY BECOME DUE; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

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

WHEREAS, pursuant to the Act (as hereinafter defined) and all other applicable provisions of the laws of the state of Kansas, the governing body of the City has caused the improvements herein identified to be undertaken in the City (such improvements and any Substitute Improvements as defined in this Ordinance to be referred to as the "Improvements"); and

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 is at least \$310,000, to be paid 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, the governing body of the City hereby finds and determines it is necessary for the City to authorize the issuance and delivery of its general obligation bonds in the principal amount of \$310,000 to pay the costs of the Improvements;

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

Section 1. Definitions of Words and Terms.

"Act" means the Constitution and all applicable statutes of the State including but not limited to K.S.A. 10-101 *et seq.* and K.S.A 1736 *et seq.*, all as amended and supplemented.

"Authorized Cost" means the amount of expenditure for an Improvement which has been authorized to be paid by the City by a resolution or ordinance of the City, less (1) the amount of any notes or bonds of the City which are currently outstanding and available to pay the Authorized Cost, and (2) any Authorized Cost which have been previously paid by the City or by any eligible source of funds unless such amounts are entitled to be reimbursed under State and federal law.

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

"Bonds" means the General Obligation Bonds, Series 2002-A authorized by this Ordinance in the aggregate principal amount of \$310,000 and dated December 1, 2002.

"City" means the City of Garnett, Kansas.

"City Clerk" means the appointed and acting City Clerk or, in the City Clerk's absence, the appointed and/or elected Deputy or Acting City Clerk of the City.

"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 improvements to the City's existing swimming pool facility and any Substitute Improvements.

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

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

"State" means the state of Kansas.

"Substitute Improvement" means the substitute or additional improvement of the City as authorized by Section 504 of the resolution hereinafter adopted by the governing body with respect to the Bonds.

"Treasurer" means the appointed and acting Treasurer of the City or, in the Treasurer's absence, the appointed and/or elected Deputy or Acting Treasurer of the City.

Section 2. Authorization of and Security for the Bonds. These Bonds shall be issued for the purpose of providing funds to pay the Authorized Costs of the Improvements.

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

Section 3. 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, and shall be issued and delivered, in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution hereinafter adopted by the governing body of the City with respect to the Bonds.

Section 4. 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 referred to above shall be spread upon the tax rolls 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, and the proceeds derived from the taxes shall be deposited in the Bond and Interest Fund.

If at any time the 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 the principal and/or interest out of the general funds of the City and to reimburse the general funds for money so expended when the taxes are collected.

Section 5. Tax Covenants. The City covenants and agrees that it will not take any action, or fail to take any action, if any such action or failure to take action would adversely affect the exclusion of the interest on the Bonds from gross income for federal income tax purposes. The City covenants and agrees that it will use the proceeds of the Bonds as soon as practicable and with all reasonable dispatch for the purpose for which the Bonds are issued as previously set forth, and that it will not directly or indirectly use or permit the use of any proceeds of the Bonds or any other funds of the City, or take or omit to take any action that would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148(a) of the Code. To that end, the City will comply with all requirements of Section 148 of the Code to the extent applicable to the Bonds.

Section 6. Further Authority. The Mayor, City Clerk and other City officials are authorized and directed to execute such documents and take such actions as they may deem necessary or advisable in order to carry out the purposes of this Ordinance.

Section 7. Governing Law. The Ordinance and the Bonds shall be governed 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.

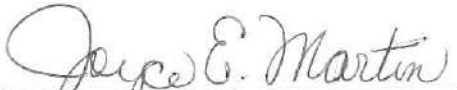
PASSED by the governing body of the City on November 12, 2002.

(SEAL)



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3488

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 \$6.95 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, 2002, and after its publication in an official City newspaper.

PASSED this 12th day of November, 2002.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3490

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE LOAN AGREEMENT BETWEEN THE CITY OF 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 AMENDMENT TO 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, the Kansas Development Finance Authority (the "Authority") and KDHE have entered into a Pledge Agreement (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, the City of Garnett, Kansas (the "Municipality") is a municipality as said term is defined in the Loan Act which operates a municipal water processing and distribution 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:

(a) Construction of a new 0.5MG elevated storage tank and all related appurtenances thereto; and,

(b) rehabilitation and upgrade of the existing 0.1 MG elevated storage tank.

(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 of not to exceed \$1,160,000.00 (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 First Amendment to the Loan and to enter into a First Amendment to the Loan Agreement and certain other documents relating thereto, and to take certain actions required in order to implement the First Amendment to the Loan Agreement.

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

Section 1. Authorization of the First Amendment to the Loan Agreement. The Municipality is hereby authorized to accept the First Amendment to the Loan and to enter into a certain First Amendment to the Loan Agreement, with an effective date of October 25, 2002, with the State of Kansas acting by and through the Kansas Department of Health and Environment (the "First Amendment to the Loan Agreement") to finance the Project Costs (as defined in the First Amendment to the Loan Agreement). The Mayor and Clerk are hereby authorized to execute the First Amendment to 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 execution of the Amendment to the Loan Agreement being conclusive evidence of such approval. The City Clerk is hereby authorized to attest the signature of the Mayor and to apply the official seal of the city

to the document.

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 (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 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 First Amendment to 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. The Ordinance shall take effect and be in full force form and after its passage by the governing body of the City of Garnett, Kansas, and publication in an

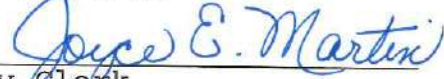
official newspaper of the city.

PASSED by the governing body of the City on November 26th,
2002, and signed by the Mayor.



Mayor

A T T E S T:



City Clerk

APPROVED AS TO FORM ONLY:



City Attorney

ORDINANCE NO. 3491

AN ORDINANCE INCREASING THE FEE TO RESTORE UTILITIES TERMINATED BY REASON OF NONPAYMENT; AMENDING TITLE 4, CHAPTER 4, SECTION 10; REPEALING EXISTING SECTION OF SAID CHAPTER AND TITLE AND ALSO REPEALING ORDINANCE 2304.

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

SECTION 1: Title 4, Chapter 4, Section 10 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

4-4-10: UTILITY TURN ON POLICY: Any municipal utility service disconnected by reason of nonpayment of the regular and customary charges therefor by the consumer, will not be turned on, restored or reconnected:

- (a) Until the customer shall have paid the sum of Fifty Dollars (\$50.00) for a turn on or restoration fee, which said charge shall be made in addition to all other charges permitted or required by applicable ordinances of this City.
- (b) Disconnected service shall not be turned on, restored or reconnected on Saturdays, Sundays, holidays, or after normal working hours on any weekday.

SECTION 2: Title 4, Chapter 4, Sections 10 of the Municipal code of the City of Garnett, Kansas, as and in the form such section now exists, and the provisions of Ordinance 2304 are hereby repealed.

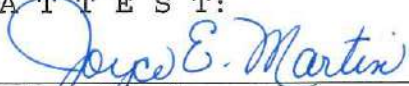
SECTION 3: This ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED this 26th day of November, 2002.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 3493

AN ORDINANCE AMENDING TITLE 4, CHAPTER 7, SECTION 9 OF THE MUNICIPAL CODE, REQUIRING PAYMENT OF A SERVICE CHARGE UNDER CERTAIN CONDITIONS FOR INVESTIGATING MALFUNCTIONS OF UTILITY SERVICES; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER AND REPEALING TITLE 4, CHAPTER 7, SECTIONS 10 AND 11 AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH.

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

SECTION 1: Title 4, Chapter 7, Section 9 of the City Code of Garnett, Kansas, is hereby amended to read as follows:

4-7-9: ADDITIONAL SERVICES CHARGES TO APPLY IN CERTAIN CASES:

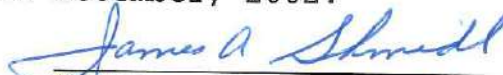
A. A charge of \$50.00 shall be made to any utility customer who requests City utility maintenance personnel to investigate any cause of utility malfunction, interruption or cessation when such investigation discloses the cause thereof and the duty to correct the same to be solely upon the utility customer, as provided by the various ordinances and enactments of this City; provided, however, such charge shall only apply when said request is made and investigation is conducted on weekends, holidays, or after normal working hours on any regular weekday.

B. The service charge imposed in sub-part A hereof shall be in addition to any other service charge, whether for labor, materials, or flat rate, which is now applicable or which might in the future be made applicable and chargeable to said customer by reason of such service call and investigation.

SECTION 2: Title 4, Chapter 7, Section 9 as the same presently exists, together with Title 4, Chapter 7, Sections 10 and 11, and all other ordinances in conflict herewith, are hereby repealed.

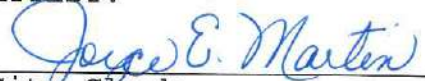
SECTION 3: This ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett.

PASSED this 10th day of December, 2002.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3494

AN ORDINANCE AMENDING TITLE 4, CHAPTER 7, SECTION 7 OF THE MUNICIPAL CODE, REQUIRING ALL UTILITY METERS TO BE LOCATED OUTSIDE OF BUILDINGS OR IN OTHERWISE ACCESSIBLE LOCATIONS; PROVIDING FOR THE REMOVAL AND RELOCATION OF NON-COMPLYING UTILITY METERS; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER AND REPEALING ALL OTHER ORDINANCES IN CONFLICT THEREWITH.

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

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

4-7-7: UTILITY METERS REQUIRED TO BE LOCATED IN ACCESSIBLE LOCATIONS; PROCEDURES FOR REMOVAL AND RELOCATION OF NON-COMPLYING UTILITY METERS:

A. All utility meters for the metering of delivery of natural gas, water or electrical energy from the municipal utilities operated by the City of Garnett shall be located outside of the customer's building, or otherwise as approved on a case by case basis by the city manager, to ensure such meter is accessible to city personnel at all reasonable times.

B. Any gas or water meter located contrary to the provisions of sub-part A hereof shall be removed from such location and relocated upon an easement or public right-of-way used as such an easement or elsewhere so as to comply with sub-part A hereof. Removal and relocation as may be required in this sub-part shall be accomplished at a time when no such utility services are being supplied to such location and before the reconnection of gas or water utilities for a new owner or utility customer at such location; provided, however, when necessary to protect the safety of persons or for other compelling reason, such meters may be relocated at any time.

C. Any electric meter located contrary to the provisions of sub-part A hereof shall be removed from such location and relocated so as to comply with sub-part A hereof.

D. The removal and relocation of any such utility meter, together with related service lines and connections, fittings, valves, switches or disconnects, shall be performed without expense to a utility customer, except as may otherwise be provided in sub-part E hereof.

E. The property owner or utility customer shall

assume and be responsible for the cost and installation of, and all future maintenance on, his or her:

- (1) customer-owned service line or yard line (as the case may be) through the plate of the building served connecting to the interior plumbing, in the case of natural gas;
- (2) private line running from the City's easement through or under the foundation of the building served connecting to the interior plumbing, in the case of water; and,
- (3) private cable or cables running from the entrance head on the mast (or equivalent terminus on the side of the building, if no mast) through the meter box and into the service entrance panel or panels of the building served, in the case of electrical energy.

F. Any utility customer presently being served at a location where the natural gas, water or electrical energy meter is not located as required in sub-part A hereof may, at any time, request the City to remove and relocate such meters in accordance with this section.

SECTION 2: Title 4, Chapter 7, Section 7 as the same presently exists, and all other ordinances in conflict herewith, 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.

PASSED this 10th day of December, 2002.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3495

AN ORDINANCE REGULATING THE GRANTING OF EXTENSIONS OF TIME TO PAY CHARGES FOR MUNICIPAL UTILITY SERVICES AND POSTPONING THE SHUTOFF DATE FOR SUCH SERVICES.

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

SECTION 1. 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 Title 4, Chapter 4, Section 8(A)(8) of the Municipal Code 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 such utility service or services. The City Clerk shall prepare such form or forms as may be needed to administer this procedure 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 three 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 extension, if such is established by clear and convincing evidence.

SECTION 2. The official codifier for the City of Garnett, Kansas, is directed to create new Sub-section (C) for Title 4, Chapter 4, Section 8 and insert the above enactment at such location.

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

PASSED this 10th day of December, 2002.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3496

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 11 OF THE MUNICIPAL CODE, INCREASING THE COST FOR CONNECTION OR DISCONNECTION OF UTILITY SERVICES AT CERTAIN TIMES; REPEALING EXISTING SECTION OF SAID TITLE AND CHAPTER.

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

SECTION 1: Title 4, Chapter 4, Section 11 of the Municipal Code of Garnett, Kansas, is hereby amended to read as follows:

4-4-11: CONNECTION OR DISCONNECTION OF UTILITY SERVICES: Utility services will not normally be connected or disconnected on Saturdays, Sundays, holidays or after normal working hours on weekdays. If connection or disconnection of such services is requested by the customer during said period, a charge of Fifty Dollars (\$50.00) shall be made for such connection or disconnection, and this charge shall be in addition to all other charges permitted or required by applicable ordinances of this City.

SECTION 2: Title 4, Chapter 4, 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 in an official newspaper of the City of Garnett, Kansas.

PASSED this 10th day of December, 2002.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 3504

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 \$9.00 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 April 1, 2003, and after its publication in an official City newspaper.

PASSED this 25th day of March, 2003.



Mayor

ATTEST:



City Clerk