

ORDINANCE NO. 2502

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: STANDARD RATE: All gas sold by the City of Garnett to each classification of user above established shall be charged for at the rate of \$1.72 per thousand cubic feet sold.

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 Title 4, Chapter 4, Section 2A of the Municipal Code of the City of Garnett, as the same presently exists, is hereby repealed.

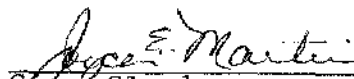
SECTION 3. This Ordinance shall take effect and be in force from and after July 1, 1979, and after its publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED this 13th day of June, 1979.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2503

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 13 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, RELATING TO FISHING.

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

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

9-5-13: FISHING: Any person having a valid and sufficient fishing license for the State of Kansas and all persons exempt by law from such licensure may fish in Lake Garnett and Crystal Lake free of charge.

(a) Each person fishing in a City lake shall be limited to the use or operation of two (2) rods and lines with not more than two (2) hooks attached to each; or a fly rod and line with not more than two (2) flies attached; or a casting rod with not more than two (2) artificial bait devices or lures attached.

(b) It shall be unlawful and punishable as a misdemeanor to use, operate, or install any trot line, set line, float, bank, or limb line, or to catch, take, or attempt to catch or take any fish by hand fishing, toe fishing, or hooking, provided, however, "snagging" as prohibited by this Sub-section shall not include hooking when the fish by it's action takes into it's mouth a bait or lure.

(c) Any unlawful device used in or as an aid facilitating the violation of any of the provisions of this Section shall be and is hereby declared to be contraband and may be seized and confiscated and may, upon the order of the municipal judge, be destroyed.

(d) The catching and taking of fish from City lakes is permitted without limitation as to time. No catfish, excepting bullheads, of a length less than twelve (12) inches shall be retained or possessed. No black bass of a length less than fifteen (15) inches shall be retained or possessed. All undersized fish are to be immediately returned, unrestrained to the waters from which they were taken. The size of a fish shall be determined as the total length in inches as measured from the tip of the snout to the end of the tail, with the mouth closed and the tail lobes pressed together.

(e) Anyone entitled to fish in any City lake may also hunt and take bullfrogs so long as it is done in compliance with the regulations of the Kansas State Forestry, Fish & Game Commission. The daily (midnight to midnight) bag limit on bullfrogs is eight (8).

(f) It is unlawful and punishable as a misdemeanor to fish in, wade, or otherwise molest the North Park Rearing Pond.

(g) Nothing in this Section shall be construed to supersede applicable statutes of the State of Kansas or regulations promulgated thereunder by the State Forestry, Fish & Game Commission.

SECTION 2: Title 9, Chapter 5, 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 publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED This 13th day of June, 1979.



Mayor

A T T E S T:



City Clerk

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 AND 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 a part of a street commonly known as Washington 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 the 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 fully advised in the premises, it is found and determined that the improvements therein specified are advisable and that the nature and estimated cost of such improvements are and are approved as follows, to-wit:

To improve a part of Washington Street for a distance of approximately 500 feet East and West and 31 feet in width running North and South, curb to curb outside dimensions, the same being the entire distance of Washington Street from it's intersection on the West with Pine Street to it's intersection on the East with Cedar Street, within the City of Garnett, including to renew and regrade the base of such street, the installation of portland cement concrete curbs, gutters, and entrances, and the installation of an asphaltic double-seal pavement over a properly compacted rock base, all according to plans and specifications prepared by Ray R. Harden, P.E. #940, on file with the City of Garnett, Kansas; the maximum estimated project cost is. \$ 23,430.00

SECTION 3: It is further found that the extent of the proposed improvement district is:


Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), and Seven (7) in Block Two (2); and
Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), and Seven (7) in Block One (1) of Pineway Addition to the City of Garnett;
Lots One (1), Two (2), Three (3), and Four (4) of Block One (1) in Tawney Addition to the City of Garnett;
all in Anderson County, Kansas.

SECTION 4: The entire actual cost of the above improvements shall be assessed against the improvement district herein created and shall be apportioned pro rata to each record owner of tracts within said improvement district based on feet of frontage abutting said Washington Street, the street to be improved as above described.

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.

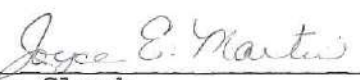
SECTION 6: This Ordinance shall take effect and be in force from and after its publication in The Garnett Review, an official City newspaper.

PASSED and APPROVED This 29th day of June, 1979.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2506

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 AND 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 a part of a street commonly known as Pine 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 the 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 fully advised in the premises, it is found and determined that the improvements therein specified are advisable and that the nature and estimated cost of such improvements are and are approved as follows, to-wit:

To improve a part of Pine Street for a distance of approximately 925 feet North and South and 31 feet in width running East and West, curb to curb outside dimensions, the same being the distance of Pine Street from it's intersection on the South with Second Avenue to the Northwest Corner of Lot One (1), Block Two (2), Pineway Addition, City of Garnett, and all within the City of Garnett, including to renew and regrade the base of such street, the installation of portland cement concrete curbs, gutters, and entrances, and the installation of an asphaltic double-seal pavement over a properly compacted rock base, all according to plans and specifications prepared by Ray R. Harden, P.E. #940, on file with the City of Garnett, Kansas; the maximum estimated project cost is. \$ 42,350.00

SECTION 3: It is further found that the extent of the proposed improvement district is:

- Lot One (1), Block Two (2),
- Lot One (1), Block One (1),
- Lot One (1), Block Four (4), and
- Lot One (1), Block Three (3) of Pineway Addition to the City of Garnett;

Lot One (1), Block Five (5),
Lot Twelve (12), Block Four (4),
Lots One (1) and Twenty-four (24) of Block Sixteen (16); and
Lots Twelve (12) and Thirteen (13) of Block Seventeen (17)
of the City of Garnett;
all in Anderson County, Kansas.

SECTION 4: The entire actual cost of the above improvements shall be paid as follows:


Sixty per cent (60%) thereof from discretionary funds otherwise available to said City for such purposes; and

Forty per cent (40%) thereof to be assessed against the improvement district so created above and apportioned pro rata to each record owner of tracts within the above-described improvement district, based on feet of frontage abutting said street so to be improved.

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 The Garnett Review, an official City newspaper.

PASSED and APPROVED This 29th day of June, 1979.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2508

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 1979, WITH CERTAIN OMISSIONS, CHANGES, AND ADDITIONS: PRESCRIBING ADDITIONAL REGULATIONS; AND REPEALING ORDINANCE 2370 AND ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

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

Section 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", Edition of 1979, prepared and published book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. Not less than three (3) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy As Adopted By Ordinance No. 2508" with all sections or portions thereof intended to be omitted or changed clearly marked to show any 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 For Kansas Cities, similarly marked, as may be deemed expedient.

Section 2. AMENDMENT.

The Standard Traffic Ordinance For Kansas Cities, Edition 1976, is amended in the following manner:

Article 7, Section 33 (a) (3) is amended to read as follows: "Thirty (30) miles per hour in any park."


Section 3. REPEAL.

Ordinance 2370 and all other ordinances in conflict herewith are repealed; provided, however, nothing herein shall be construed as being in conflict with Ordinance No. 2295 or Title 10, Chapter 9, Section 1 of the Municipal Code, which said Ordinance and Code Provision denounce the crime commonly called Careless Driving.

Section 4. EFFECTIVE DATE.

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 and APPROVED by the Governing Body of the City of Garnett, this 25th day of July, 1979.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 2509

AN ORDINANCE GRANTING TO THE COFFEY COUNTY RURAL ELECTRIC COOPERATIVE ASSOCIATION, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC LIGHT, HEAT AND POWER FRANCHISE, PRESCRIBING THE TERMS AND CONDITIONS THEREOF AND RELATING THERETO, AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

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

Section 1. That there be and is hereby granted to The Coffey County Rural Electric Cooperative Association, Inc., a corporation, herein called the Grantee, its successors and assigns, the right, privilege and franchise until December 31, 1998, to construct, maintain and operate in the present and future streets, alleys and public places in the City of Garnett, Kansas, electric distribution and transmission lines, together with all necessary or desirable appurtenances, including underground conduits, poles, towers, wires and any and all other necessary appurtenances, for the purpose of supplying electricity to said City, the inhabitants thereof, and persons, and corporations beyond the limits thereof, for light, heat, power and other purposes.

Section 2. That this franchise is given in consideration of the payment of One Dollar (\$1.00) as an annual franchise tax and for other valuable considerations, including, but not limited to the mutual exchange of equipment, personnel, and information, which said consideration is specifically found to be and determined to be good and sufficient.

Section 3. Poles and towers shall be so erected as to interfere as little as practicable with traffic over said streets and alleys. The location of all poles, towers and conduits shall be fixed under the supervision of the governing body of the City or its authorized representative, but not so as unreasonably to interfere with the proper operation of said lines.

Section 4. The City shall in no wise be liable or responsible for any accident or damage that may occur in the construction, operation or maintenance by the Grantee of its lines and appurtenances hereunder, and the acceptance of this franchise shall be deemed an agreement on the part of said Grantee, its successors and assigns, to indemnify the City and hold it harmless against any and all liability, loss, cost, damages or expense which may accrue to said City by reason of the negligence, default or misconduct of the Grantee in the construction, operation or maintenance of the Grantee's lines and appurtenances hereunder.

Section 5. Grantee, its successors and assigns, shall furnish and install for its patrons reliable meters and shall keep same in repair without cost to the patrons. All meters used by the Grantee, its successors and assigns, shall at all reasonable times be subject to inspection by the City, and the City shall have the right to test said meters, or cause the same to be tested by said Grantee, its successors and assigns, at all reasonable times.

Section 6. Grantee, its successors and assigns, shall at all times make extensions of its lines in compliance with such rules, regulations and orders as may be authorized or permitted, from time to time, by such regulatory body, municipal or otherwise, as may be vested by law with regulatory authority over such matters. In ordering such extension, said regulatory body shall give due consideration to the elements of cost of installation and income.


Section 7. Grantee, its successors and assigns, shall during the life of this franchise, furnish electricity to the City, and the inhabitants thereof, at such compensatory rates without discrimination, as shall be fixed or permitted from time to time by such regulatory body, municipal or otherwise, as may be authorized by law to fix rates for such service; PROVIDED, however, that nothing herein contained shall be construed as waiving the right of either the City or the Grantee, its successors and assigns, to review in the courts, in such manner as is now or may hereafter be provided by law, any findings or order of said regulatory body or other authority, establishing rates for electric current furnished under this franchise.

Section 8. Grantee, its successors and assigns, shall have the right to make such reasonable rules and regulations for the protection of its property, for the prevention of loss and waste in the conduct and management of its business, and for the sale and distribution of electricity, as may from time to time be deemed necessary by said Grantee.

Section 9. All other Ordinances and parts of Ordinances in conflict with the terms hereof shall be and the same are hereby repealed.

Section 10. This Ordinance shall take effect and be in force at the expiration of sixty-one (61) days from the date of its final passage and following its publication once a week for three (3) consecutive weeks immediately after its final passage, in The Anderson Countian, the official paper of said City, which publication is hereby directed, and thereupon the franchise grant embodied herein, pursuant to Kansas Statutes Annotated 12-824 and 12-2001, shall become effective upon its acceptance by the Grantee, which acceptance shall be evidenced in writing, duly acknowledged before some officer authorized by law to administer oaths, and filed with the City Clerk of Garnett, Kansas, within thirty (30) days after the Ordinance becomes finally effective.

PASSED and APPROVED by the Governing Body of the City of Garnett, Kansas on this 22nd day of August, 1979.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2510

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF GARNETT, KANSAS TO FINANCE STREET IMPROVEMENTS IN THE WASHINGTON STREET IMPROVEMENT DISTRICT 1979 AND IN THE PINE STREET IMPROVEMENT DISTRICT 1979, UNTIL SUCH TIME AS BONDS THEREFOR ARE ISSUED.

WHEREAS, Under proceedings duly and regularly had for the improvement of Washington Street and Pine Street, public streets within the City of Garnett, Kansas, respectively in the Washington Street Improvement District 1979 and the Pine Street Improvement District 1979, said street improvements in both districts are now under contract and work progressing toward the completion of such improvements; and

WHEREAS, The City of Garnett is obligated to make progress payments under said contract and to pay the entire contract sum upon the immediate completion of such work; and

WHEREAS, The City has no funds with which to finance such improvements until bonds are issued; and

WHEREAS, Pursuant to K.S.A. 10-123 (1979 Supp.) proper and full authority is conferred on the said City of Garnett to issue its temporary notes for the purposes of financing the improvements of the two (2) streets aforesaid.

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

SECTION 1: That for the purpose of providing funds to pay for the cost of the improvements to Washington Street and Pine Street, both public streets within the City of Garnett, Kansas, in the improvement districts respectively designated and known as Washington Street Improvement District 1979 and Pine Street Improvement District 1979, respectively created and authorized by Ordinance No. 2505 and Ordinance No. 2506, and until bonds can be issued therefor, the Mayor and City Clerk be and they are hereby authorized to issue temporary notes of the City of Garnett, Kansas, not to exceed \$65,000.00 in the aggregate, which said notes shall be consecutively numbered and shall bear interest at the rate of seven and one-half per cent ($7\frac{1}{2}\%$) per annum and maturing on the 30th day of September, 1980, but which will be redeemable and cancellable at the time permanent bonds are issued in lieu thereof. Said temporary notes shall be issued from time to time as required during the progress of the work and shall not exceed in the aggregate the amount of \$65,780.00, said sum being the approved estimated cost of such improvement projects and the amount for which bonds are to be issued.

SECTION 2: That said notes shall be signed by the Mayor and attested by the City Clerk under the corporate seal of the City and when the same have been executed, they shall be registered as is provided by law.

SECTION 3: That said temporary notes shall contain recitals and be generally in the form and style as provided by the laws of the State of Kansas.

SECTION 4: That the said City is authorized under K.S.A. 12-6a01, et seq., to make said improvements, and by K.S.A. 12-6a14(c) and (d) to issue bonds and temporary notes in payment of the same.

ORDINANCE NO. 2510

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF GARNETT, KANSAS TO FINANCE STREET IMPROVEMENTS IN THE WASHINGTON STREET IMPROVEMENT DISTRICT 1979 AND IN THE PINE STREET IMPROVEMENT DISTRICT 1979, UNTIL SUCH TIME AS BONDS THEREFOR ARE ISSUED.

WHEREAS, Under proceedings duly and regularly had for the improvement of Washington Street and Pine Street, public streets within the City of Garnett, Kansas, respectively in the Washington Street Improvement District 1979 and the Pine Street Improvement District 1979, said street improvements in both districts are now under contract and work progressing toward the completion of such improvements; and

WHEREAS, The City of Garnett is obligated to make progress payments under said contract and to pay the entire contract sum upon the immediate completion of such work; and

WHEREAS, The City has no funds with which to finance such improvements until bonds are issued; and

WHEREAS, Pursuant to K.S.A. 10-123 (1979 Supp.) proper and full authority is conferred on the said City of Garnett to issue its temporary notes for the purposes of financing the improvements of the two (2) streets aforesaid.

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

SECTION 1: That for the purpose of providing funds to pay for the cost of the improvements to Washington Street and Pine Street, both public streets within the City of Garnett, Kansas, in the improvement districts respectively designated and known as Washington Street Improvement District 1979 and Pine Street Improvement District 1979, respectively created and authorized by Ordinance No. 2505 and Ordinance No. 2506, and until bonds can be issued therefor, the Mayor and City Clerk be and they are hereby authorized to issue temporary notes of the City of Garnett, Kansas, not to exceed \$65,000.00 in the aggregate, which said notes shall be consecutively numbered and shall bear interest at the rate of seven and one-half per cent ($7\frac{1}{2}\%$) per annum and maturing on the 30th day of September, 1980, but which will be redeemable and cancellable at the time permanent bonds are issued in lieu thereof. Said temporary notes shall be issued from time to time as required during the progress of the work and shall not exceed in the aggregate the amount of \$65,780.00, said sum being the approved estimated cost of such improvement projects and the amount for which bonds are to be issued.

SECTION 2: That said notes shall be signed by the Mayor and attested by the City Clerk under the corporate seal of the City and when the same have been executed, they shall be registered as is provided by law.

SECTION 3: That said temporary notes shall contain recitals and be generally in the form and style as provided by the laws of the State of Kansas.

SECTION 4: That the said City is authorized under K.S.A. 12-6a01, et seq., to make said improvements, and by K.S.A. 12-6a14(c) and (d) to issue bonds and temporary notes in payment of the same.

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SECTION 5: That this Ordinance shall take effect and be in force from and after its passage and its publication in an official City newspaper, as provided by law.

PASSED and APPROVED This 12th day of September, 1979.



Dale Lybarger
Mayor

A T T E S T:



Joyce E. Martin
City Clerk

ORDINANCE NO. 2512

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 5, SUBSECTIONS (B) AND (C) OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, RELATING TO THE MUNICIPAL WATER SERVICE AND PERIODIC RATES CHARGED FOR SUCH SERVICE; AND REPEALING EXISTING SUBSECTIONS.

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

SECTION 1: Title 4, Chapter 4, Section 5, Subsection (B) of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows, to-wit:

(B) Water Service; Periodic Rates: The following periodic rates for the use of the water utility are hereby established to users and consumers of the City:

1. Residential Service - Standard: The net rate per month for water purchased under this classification shall be the sum of the customer charge, which is hereby established at two dollars (\$2.00) per month, plus a water charge which shall be computed at the rate of one dollar fifteen cents (\$1.15) for each one thousand (1,000) gallons consumed.

2. Residential Service - Outside City: The net rate per month for water purchased under this classification shall be the sum of the customer charge, which is hereby established at four dollars (\$4.00) per month, plus a water charge which shall be computed at the rate of one dollar fifty-five cents (\$1.55) for each one thousand (1,000) gallons consumed.

3. General Service: The net rate per month for water purchased under this classification shall be the sum of the customer charge, which is hereby established at three dollars (\$3.00) per month, plus a water charge which shall be computed at the rate of one dollar seventy-five cents (\$1.75) for each one thousand (1,000) gallons consumed.

4. General Service - Outside City: The net rate per months for water purchased under this classification shall be the sum of the customer charge, which is hereby established at six dollars (\$6.00) per month, plus a water charge which shall be computed at the rate of one dollar fifty-five cents (\$1.55) for each one thousand (1,000) gallons consumed.

SECTION 2: Title 4, Chapter 4, Section 5, Subsection (c) of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows, to-wit:

(C) Coin Sales Rate: 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 two dollars fifty cents (\$2.50) per one thousand (1,000) gallons sold, payable in advance of delivery.

SECTION 3: Title 4, Chapter 4, Section 5, Subsections (B) and (C) as the same presently exist in the Municipal Code of the City of Garnett, Kansas, are hereby repealed.

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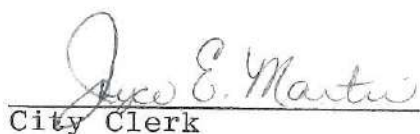
SECTION 4; This Ordinance shall take effect and be in full force and effect from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 26th day of September, 1979.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2513

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO 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 AND 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 a part of a street commonly known as Cedar 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 the 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 fully advised in the premises, it is found and determined that the improvements therein specified are advisable and that the nature and estimated cost of such improvements are advisable and are approved as follows, to-wit:

Said Cedar Street sought to be improved and included within this improvement district is approximately 75 feet in length running North and South and 31 feet in width running East and West, curb to curb outside dimensions, and being the part of Cedar Street from its intersection on the North with Washington Street thence South 75 feet, more or less, within the City of Garnett, Kansas. The general nature of such work is to renew and regrade the base of such street, the installation of portland cement concrete curbs, gutters, and entrances, and the installation of an asphaltic double-seal pavement over a properly compacted rock base, all according to plans and specifications prepared by Ray R. Harden, P.E. #940, and on file with the City of Garnett, Kansas; the estimated maximum project cost is \$ 6,125.00

SECTION 3: It is further found that the extent of the proposed improvement district is:

TRACT 1:

All of Lots One (1) and Two (2); the South 41 feet of Lot Three (3); Block One (1), Tawney Addition to City of Garnett

TRACT 2:

All of Lot One (1) and the South Half (S/2) of Lot Two (2), North Half (N/2) of Lot Two and all of Lot Three (3), Block Two (2), Tawney Addition to City of Garnett.

all in Anderson County, Kansas.

SECTION 4: The entire actual cost of the above improvements shall be paid as follows:

Record owner, Tract 1:	\$ 1,825.00
Record owner, Tract 2:	\$ 2,825.00
City of Garnett	\$ 1,475.00

And if the actual cost be less than the estimated cost, then pro rata, based on the proportion such figures above bear to the total, estimated cost.

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 City newspaper, as provided by law.

PASSED and APPROVED This 10TH day of OCTOBER, 1979.

Pale Ryborg
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2515

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: STANDARD RATE: All gas sold by the City of Garnett to each classification of user above established shall be charged for at the rate of \$1.77 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.

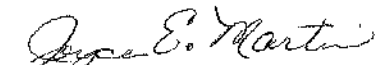
SECTION 3. This Ordinance shall take effect and be in force from and after November 1, 1979, and after its publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED this 24th day of October, 1979.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2516

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:

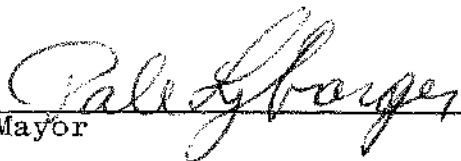
Commencing at a point 92 rods West of the Southeast Corner of the Southeast Quarter (SE/4) of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence running North 400 feet, thence running East 594 feet, thence running South 400 feet, thence running West 594 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 the owners thereof having petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, such land being adjacent to an existing boundary of the said City of Garnett, Kansas, is hereby annexed to and made a part of the City of Garnett, Kansas.

SECTION 2: Such addition shall be known as "BRP
Addition to the City of Garnett".

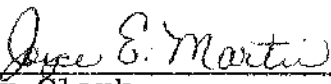
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and publication in an official City newspaper.

PASSED and APPROVED This 14th day of November, 1979.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2517

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 1979 BUDGET TO INCREASE EXPENDITURE CEILINGS FOR THE ELECTRIC UTILITY AND GAS UTILITY FUNDS.

WHEREAS, Notice of Public Hearing has been duly and regularly given pursuant to resolution of this Governing Body; and

WHEREAS, At a public hearing convened and held at City Hall on the 14th day of November, 1979, it was considered and found to be advisable to increase the present expenditure ceilings on the Electric Utility and Gas Utility Funds as provided in said resolution and notice.


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

SECTION 1: The Special Revenue Fund--Electric Utility is hereby amended to increase the expenditure ceiling from \$770,125.00 to \$920,125.00.

SECTION 2: The Special Revenue Fund--Gas Utility is hereby amended to increase the expenditure ceiling from \$547,626.00 to \$597,626.00.

SECTION 3: That these amendments are made pursuant to the authority contained in the Kansas Budget Law to amend public budgets K.S.A. 79-2925, et seq. and shall take effect and be in force from and after the passage of this Ordinance and publication thereof one (1) time in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 14th day of November, 1979.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2518

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 at a point 32 rods east of the
Southwest Corner of the Southeast Quarter
(SE 1/4) of Section 19, Township 20, Range
20, thence running North 150 feet, thence
East 75 feet, thence South 150 feet, thence
West 75 feet to place of beginning, said
tract to be measured from the North side
of the road.

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

SECTION 2: Such addition shall be known as "Emmons Addition
to the City of Garnett".

SECTION 3: This Ordinance shall take effect and be in force
from and after its passage and publication in an official City news-
paper.

PASSED and APPROVED This 12TH day of DECEMBER, 1979.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2519

AN ORDINANCE AMENDING TITLE 4, CHAPTER 6, SECTIONS 4 AND 7 OF SAID TITLE AND CHAPTER RELATING TO MONTHLY CHARGES FOR SANITARY SEWER SYSTEM SERVICE; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER AND PROVIDING AN EFFECTIVE DATE FOR SUCH CHARGES.

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 of the City of Garnett 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 of Garnett, Kansas, by all persons, corporation, political subdivisions, and organizations whose premises are connected, or may be hereafter connected, to the sanitary sewer system of the City of Garnett:

- (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, which is hereby established at two dollars, fifty cents (\$2.50) per month, plus a service charge which shall be computed at the rate of sixty cents (60¢) per each one thousand gallons.
 2. General Service: The net rate per month for sanitary sewer system service under this classification shall be the sum of the customer charge, which is hereby established at two dollars, fifty cents (\$2.50) per month, plus a service charge which shall be completed at the rate of sixty cents (60¢) per each one thousand gallons.
 3. At the end of the three months' period consisting of the consecutive months of January, February, and March of each year, commencing with the year 1979, the average monthly gross consumption of water by each customer during said three months' period shall be ascertained and the monthly sewage service charges paid by such customer for each of the following twelve 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) months period, the base consumption of such user or customer shall be computed on the portion of said three (3) months 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 three dollars fifty cents (\$3.50) per month until a base consumption of water for such user or customer is determined as above provided.

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:

\$0.198 per pound BOD
\$0.135 per pound SS

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 sewage system but receiving water from a source other than 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, there shall be a minimum monthly sewer charge of two dollars fifty cents (\$2.50), plus a service charge of 60¢ per each one thousand gallons.
 - (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 of the City of Garnett is hereby amended to read as follows:

4-6-7: EFFECTIVE DATE: The monthly service charges, established herein, for the use of the Sewage Disposal System shall apply to the month of January, 1980, and thereafter. The service charges shall be uniformly charged on the basis of a full monthly sewer service charge, irrespective of the fact that the use during a given month may be less than a full month.

SECTION 3: Title 4, Chapter 6, Section 4 and Section 7 of said title and chapter, as the same presently exist, are hereby repealed.

SECTION 4: This Ordinance shall take effect and be in force after its passage and publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED this 12TH day of December 1979.



Mayor

A T T E S T



City Clerk

ORDINANCE NO. 2521

AN ORDINANCE AMENDING TITLE 4, CHAPTER 6, SECTION 8 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, RELATING TO OPERATION OF THE MUNICIPAL SANITARY SEWER SYSTEM; REPEALING EXISTING SECTIONS OF SAID TITLES AND CHAPTERS AND OTHER CONFLICTING ENACTMENTS.

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

SECTION 1: Title 4, Chapter 6, Section 8 of the Municipal Code is hereby amended to read as follows:

- (A) The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this ordinance.
- (B) That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Article IV, shall be deposited in a separate non-lapsing fund know as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:
1. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (Operation and Maintenance Account).
 2. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the replacement account shall be made (at least annually, specify) from the operation, maintenance and replacement revenue in the amount of \$7,250 annually.
- (C) Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rates(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

SECTION 2: All sections or subsections of the Municipal Code which are 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 and APPROVED this 19TH day of December,
1979.

Rale Lybarger
Mayor

A T T E S T:

Jane E. Martin
City Clerk

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF GARNETT, KANSAS TO FINANCE STREET IMPROVEMENTS IN THE CEDAR STREET IMPROVEMENT DISTRICT 1979 UNTIL SUCH TIME AS BONDS THEREFOR ARE ISSUED.

WHEREAS, Under proceedings duly and regularly had for the improvement of Cedar Street, a public street within the City of Garnett, Kansas, in the Cedar Street Improvement District 1979, said street improvements are now under contract and work progressing toward the completion of such improvements; and

WHEREAS, The City of Garnett is obligated to make progress payments under said contract and to pay the entire contract sum upon the immediate completion of such work; and

WHEREAS, The City has no funds with which to finance such improvements until bonds are issued; and

WHEREAS, Pursuant to K.S.A. 10-123 (1979 Supp.) proper and full authority is conferred on the said City of Garnett to issue its temporary notes for the purposes of financing the improvements of the street aforesaid.

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

SECTION 1: That for the purpose of providing funds to pay for the cost of the improvements to Cedar Street, a public street within the City of Garnett, Kansas, in the improvement district designated and known as Cedar Street Improvement District 1979, created and authorized by Ordinance No. 2513 and until bonds can be issued therefor, the Mayor and City Clerk be and they are hereby authorized to issue temporary notes of the City of Garnett, Kansas, not to exceed \$6,125.00 in the aggregate, which said notes shall be consecutively numbered and shall bear interest at the rate of seven and one-half per cent (7½%) per annum and maturing on the 30th day of September, 1980, but which will be redeemable and cancellable at the time permanent bonds are issued in lieu thereof. Said temporary notes shall be issued from time to time as required during the progress of the work and shall not exceed in the aggregate the amount of \$6,125.00, said sum being the approved estimated cost of such improvement projects and the amount for which bonds are to be issued.


SECTION 2: That said notes shall be signed by the Mayor and attested by the City Clerk under the corporate seal of the City and when the same have been executed, they shall be registered as is provided by law.

SECTION 3: That said temporary notes shall contain recitals and be generally in the form and style as provided by the laws of the State of Kansas.

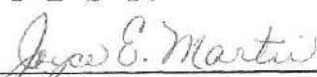
SECTION 4: That the said City is authorized under K.S.A. 12-6a01, et seq., to make said improvements, and by K.S.A. 12-6a14(c) and (d) to issue bonds and temporary notes in payment of the same.

SECTION 5: That this Ordinance shall take effect and be in force from and after its passage and its publication in an official City newspaper, as provided by law.

PASSED and APPROVED This 19th day of December, 1979.


Dale Lybarger
Mayor

A T T E S T:


Joyce E. Martin
City Clerk

ORDINANCE NO. 2524

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: STANDARD RATE: All gas sold by the City of Garnett to each classification of user above established shall be charged for at the rate of \$2.08 per thousand cubic feet sold.

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

SECTION 3. This Ordinance shall take effect and be in force from and after February 1, 1980, and after its publication in an official City newspaper.

PASSED and APPROVED this 13th day of February, 1980.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2525

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR SEWER 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 AND 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 sewer 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 sewer improvements as specified therein 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 the 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 fully advised in the premises, it is found and determined that the improvements therein specified are advisable and that the nature and estimated cost of such improvements are and are approved as follows, to-wit:

Extension and installation of sanitary sewer mains, eight inches (8") in diameter; approximately 450 feet in length, four inch (4") in diameter force main; approximately 400 feet in length, one sanitary sewer lift station all of which is to be of design, style and type to be approved by the Kansas Department of Health and Environment; maximum estimated project cost.....\$15,635.00

SECTION 3: It is further found that the extent of the proposed improvement district is:

Commencing at a point 92 rods west of the southeast corner 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 400 feet, thence running east 594 feet, thence running south 400 feet, thence running west 594 feet to the place of beginning;

All of B.R.P. Addition to the City of Garnett, Kansas.

All of said real estate being situate in Anderson County, Kansas.

SECTION 4: It is proposed that 56% of the actual cost of the above improvements are assessed against the improvement district so created and apportioned pro rata to each of the three (3) tracts of record contained within such improvement district.

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.

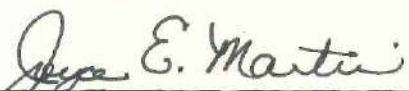
SECTION 6: This ordinance shall take effect and be in force from and after its publication in an official newspaper of the City of Garnett.

PASSED and APPROVED this 13th day of February, 1980.



Mayor

ATTEST:



City Clerk

AN ORDINANCE AUTHORIZING THE CITY OF GARNETT,
KANSAS TO BECOME A MEMBER OF THE NORTHWEST KANSAS
MUNICIPAL ENERGY AGENCY.

WHEREAS, the Northwest Kansas Municipal Energy Agency (hereinafter called the "Agency"), is a duly organized and existing municipal energy agency under the laws of the State of Kansas, including particularly K.S.A. 1979 Supp. 12-885 to 12-8,110, inclusive, presently consisting of the following member cities:

Colby, Kansas
Ellis, Kansas
Goodland, Kansas
LaCrosse, Kansas
Norton, Kansas
Oakley, Kansas
Oberlin, Kansas
St. Francis, Kansas
Sharon Springs, Kansas;

and

WHEREAS, K.S.A. 1979 Supp. 12-8,108 provides that any qualified city may become a member of a municipal energy agency if such membership is authorized by ordinance of the governing body of such city and consented to by resolution of the governing bodies of a majority of the existing member cities; and

WHEREAS, the governing body of the City of Garnett, Kansas (hereinafter called the "City"), hereby finds and determines that it is necessary and in the best interest of the City and its inhabitants that the City become a member of the Agency in order to secure an adequate, economical and reliable supply of electricity and other energy and to provide for transmitting the same for distribution through the distribution system of the City, and in order to benefit from the exercise of all powers by the Agency necessary, desirable or incidental thereto, as provided by K.S.A. 1979 Supp. 12-885 to 12-8,110, inclusive, including, but not limited to, the planning, financing, constructing, purchasing, operating, maintaining and use of any plant, works, system, facilities and real and personal property of any nature whatsoever, together with all parts thereof and appurtenances thereto used or useful in the generation, production, transmission, purchase, sale, exchange or interchange of electrical energy and other energy or any interest therein or capacity thereof.

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

ORDINANCE NO. 2530

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 one year; and,

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


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

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

Section 1. That all unpaid utility bills shown on the attached list in the amount of \$4,767.40, incurred through December 31, 1979 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 paper.

PASSED and APPROVED this 26th day of March, 1980.



Mayor

ATTEST:



City Clerk

ment to Ordinance No. 2530

Toumberlin, Kelly	\$120.06
Prater, James	58.36
Brady, Gary	50.56
Bird, Judy	25.78
Fritz, Frank	154.51
Beck, Richard L.	36.91
Noyes, Ronald	210.96
Adams, John	83.28
Moyer, Betty	317.46
Esping, Wayne	59.39
Kratzberg, Dale	118.02
Burwell, Shamuel T.	73.06
Klayla, Ronald A.	49.46
Loudabarger, Howard	30.46
Kaufman, John G.	83.72
Caghill, Robert	219.92
Walker, Tony	33.27
Gillaspie, David	131.07
Kreysman, Edward	107.29
Hartness, Mary	18.61
Seims, Jeff	16.61
Hollingshead, Rhonda	92.38
Turner, Gwynne	39.32
Record, Joel D.	63.86
Wollitz, Carl	134.06
Gottfried, David C.	44.88
Kinder, Steve	54.24
Echols, E.W.	11.47
Kochenower, Lynn	80.34
Demuth, Barry	16.73
Benson, Eddie	49.23
Morgan, Frank	88.96
Baldwin, Daniel	105.45
Weaver, Richard	49.50
Osborn, Muril	67.01
Fletcher, Leon	78.43
Zook, Terry	20.61
Lovelace, Dallas	21.16
Turner, David	90.70
Skillman, Rick	106.47
Escobedo, Joe	4.54
Roberts, John	116.04
King, Roger	304.54
Dingler, Jimmy	14.53
Blevins, Mary	116.89
Hanlin, Larry D.	221.53
Ramsey, Dean	102.96

Ruckman, Karen	\$ 16.73
Houser, David	195.67
Clinkenbeard, Ron	14.85
Smith, James L.	2.36
Powls, Jason	37.63
Johnson, Elliott	51.10
Turner, Cindy	56.97
McCain, Lonnie	86.86
Ashburn, Ira	15.90
Deese, Jesse	77.95
Brown, Terry	68.48
Spangler, Ronald	<u>48.31</u>

TOTAL \$4,767.40

AN ORDINANCE RELATING TO DEFINITIONS AND INTERPRETATIONS OF THE OFFICIAL MUNICIPAL CODE; AND AMENDING PARTS OF TITLE 1, CHAPTER 1 OF THE MUNICIPAL CODE.

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

SECTION 1: Title 1, Chapter 1, Section 5 of the Municipal Code is hereby amended by the addition of the following subparagraph to the existing section:


(L) The term "City Manager" shall mean the City Manager of the City of Garnett, Kansas, or anyone acting by, through, or under his authority, express or implied, to carry out those responsibilities charged to a City Manager by statute, ordinance, or resolution unless the context of such law, ordinance, or resolution specifically requires a contrary interpretation.

SECTION 2: Title 1, Chapter 1, Section 6 of the Municipal Code of the City of Garnett is hereby amended by the addition of the following subpart:

(c) Titles and subtitles: Neither titles nor subtitles of any part of the Municipal Code shall be utilized, referred to, or otherwise relied upon to interpret the text of this Code or any part of it.

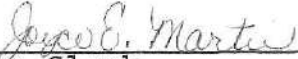
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett.

PASSED and APPROVED This 26TH day of MARCH, 1980.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2532

AN ORDINANCE AMENDING TITLE 4, CHAPTER 8, SECTION 3 OF THE MUNICIPAL CODE RELATING TO UTILITY SECURITY DEPOSITS; FIXING AMOUNTS FOR SUCH DEPOSITS; 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 8, Section 3 of the Municipal Code is hereby amended to read as follows:


"4-8-3: AMOUNT OF DEPOSITS: The utility security deposit for both residential and commercial customers to be provided utility service shall be:

- (A) Thirty Dollars (\$30.00) for electrical service; Thirty Dollars (\$30.00) for gas service; and Fifteen Dollars (\$15.00) for water service if any such utility services are supplied to the owner of the real estate to which such services are delivered;
- (B) Forty Dollars (\$40.00) for electrical service; Forty Dollars (\$40.00) for gas service; and Twenty Dollars (\$20.00) for water service if any such utility services are supplied to any person other than the owner of the real estate to which such services are delivered.

SECTION 2: Title 4, Chapter 8, 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 City newspaper of the City of Garnett, Kansas.

▼ PASSED and APPROVED This 9TH day of April, 1980.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2534

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: STANDARD RATE: All gas sold by the City of Garnett to each classification of user above established shall be charged for at the rate of \$2.44 per thousand cubic feet sold.

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

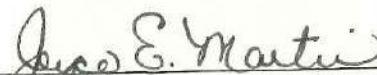
SECTION 3. This Ordinance shall take effect and be in force from and after February 1, 1980, and after its publication in an official City newspaper.

PASSED and APPROVED this 23rd day of April, 1980.



Mayor

A T T E S T:



City Clerk

Ordinance No. 2535

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A FIRST AMENDATORY AGREEMENT TO THE CITY'S MUNICIPAL PARTICIPATION AGREEMENT WITH KANSAS CITY POWER & LIGHT COMPANY.

WHEREAS: The City of Garnett has previously entered into and is presently bound by the terms of a certain Municipal Participation Agreement with Kansas City Power & Light Company; and,

WHEREAS: Recent federal rulings have made it necessary to revise such agreement in an instruction of writing titled "FIRST AMENDATORY AGREEMENT TO MUNICIPAL PARTICIPATION AGREEMENT CITY OF GARNETT, KANSAS"; and,

WHEREAS: It has been and is determined to be desirable that the City enter into and execute such amendments.

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


That the Mayor and City Clerk be and they are hereby authorized to enter into and execute on behalf of the City of Garnett, Kansas that certain agreement entitled "FIRST AMENDATORY AGREEMENT TO MUNICIPAL PARTICIPATION AGREEMENT CITY OF GARNETT, KANSAS".

PASSED and APPROVED this 14th day of May, 1980.



Mayor

Attest:



City Clerk

ORDINANCE NO. 2536

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 253 feet North of the Southwest corner of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East, Anderson County, Kansas, the same point being also the Northwest corner of the Ellis Addition to the City of Garnett, thence East 235 feet, thence North 265 feet, thence East 388 feet, thence North 148 feet, thence West 210.4 feet, thence North 660 feet, thence West 15.5 feet, thence in a Northerly direction 300 feet, thence West 401.5 feet to section line, thence South on section line 1375 feet to 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 the owners thereof having petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, such land being adjacent to an existing boundary of the said City of Garnett, Kansas, is hereby annexed to and made a part of the City of Garnett, Kansas.

SECTION 3: Such addition shall be known as "Maple Wood Addition to the City of Garnett".

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

PASSED and APPROVED, This 14TH day of May, 1980.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2537

AN ORDINANCE RELATING TO THE OPERATION AND MANAGEMENT OF THE GARNETT MUNICIPAL CEMETERY; AMENDING TITLE 9, CHAPTER 7, SECTION 8 RELATING TO PURCHASE PRICE FOR LOTS AND PLOTS; AND AMENDING TITLE 9, CHAPTER 7, SECTION 11 RELATING TO CEMETERY SERVICE CHARGES; REPEALING EXISTING SUBSECTIONS AND ALL OTHER ENACTMENTS IN CONFLICT HEREWITH.

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

SECTION 1: Title 9, Chapter 7, Section 8 of the Municipal Code is hereby amended to read as follows:

9-7-8: CEMETERY LOTS PURCHASE PRICE: The purchase price for lots and plots in the Municipal Cemetery shall be as follows, except to persons on the tax rolls of the City of Garnett, who shall be entitled to claim a twenty per cent (20%) discount therefrom, all as set out in the following table:

<u>Ten Foot Length Lots & Plots</u>	<u>Regular Price</u>	<u>City Taxpayer Price</u>
Lots with 8 plots	\$ 360.00	\$ 288.00
Lots with 6 plots	270.00	216.00
Lots with 4 plots	180.00	144.00
Lots with 3 plots	142.00	114.00
Single plots	50.00	40.00
<u>Twelve Foot Length Lots & Plots</u>		
Lots with 4 plots	\$ 252.00	\$ 202.00
Single plots	70.00	56.00

Multiply plot purchases in any quantity less than a complete lot shall be at the single plot price, regardless of location or length of lot or plot.

SECTION 2: Title 9, Chapter 7, Section 11 of the Municipal Code is hereby amended to read as follows:

9-7-11: CEMETERY SERVICE CHARGES: The following fees and charges shall be made for cemetery service in the Municipal Cemetery, except that all charges shall be discounted twenty per cent (20%) to persons on the tax rolls of the said City of Garnett and as set out in the following table:

<u>Burial Charges</u>	<u>Regular Price</u>	<u>City Taxpayer Price</u>
Standard interment; adult	\$ 85.00	\$ 68.00
Child interment (of a size to permit a five foot grave)	47.00	38.00
Baby interment (under 18 months)	30.00	24.00
Ashes interment	25.00	20.00
Charges in addition to above for interment made on Saturdays, Sundays, legal holidays and after normal working hours	50.00	40.00
State Social Assistance (includes burial and grave)	75.00	75.00

Ordinance
Page 2

SECTION 3: Title 9, Chapter 7, Section 8 and Title 9, Chapter 7, Section 11, as the same presently exists in the Municipal Code of the City of Garnett, Kansas, together with all other enactments which are 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 14th day of May, 1980.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2538

AN ORDINANCE AMENDING PART OF TITLE 9, CHAPTER 4 TO THE MUNICIPAL CODE RELATING TO FAILURE TO CUT WEEDS AND THE ASSESSMENT OF SUCH COSTS TO PROPERTY INVOLVED; 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 twenty dollars (\$20.00) per hour for time involved with a minimum charge of fifty dollars (\$50.00) 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 4 of the Municipal Code is hereby amended to read as follows:

9-4-4: COSTS ASSESSED TO THE PROPERTY: In the event that said weed removal expenses remain for more than ten (10) days after said service is performed and expenses incurred by the City, said unpaid charges plus twenty per cent (20%) penalty shall be assessed and charged against the lot or parcel of ground by the Clerk and the same shall be placed on the tax rolls of the County against said lot or parcel of ground and shall be collected by the County Treasurer and paid to the City as other City taxes are collected and paid, as provided by law.

SECTION 3: Title 9, Chapter 4, Sections 3 and 4, 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 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 May, 1980.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE APPROVING THE FORM OF AN AGREEMENT TO PROVIDE FIRE PROTECTION SERVICES TO RURAL FIRE DISTRICT #1 AND AUTHORIZING THE MAYOR AND CITY CLERK OF GARNETT TO EXECUTE THE SAME ON BEHALF OF SAID CITY.

WHEREAS, It is agreed by the Governing Body of the City of Garnett and the Board of Commissioners of Anderson County, Kansas, as Trustees of Rural Fire District #1, to enter in to a new Agreement to provide firefighting services to Anderson County Rural Fire District #1; and

WHEREAS, An Agreement has been reached and reduced to writing setting out the areas of authority and obligations of the parties.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS, That the Mayor and City Clerk be and they are hereby authorized to enter into and execute an Agreement with the Board of Commissioners of Anderson County, Kansas, in their capacity as ex-officio Trustees of Anderson County Rural Fire District #1, binding the City of Garnett thereto, a copy of which said Agreement is attached hereto and marked "Exhibit A".

All Ordinances in conflict herewith are hereby repealed.

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 11th day of June, 1980.

Paul Lybarger
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

A G R E E M E N T

THIS AGREEMENT, Made this _____ day of _____, 1980, between the BOARD OF COUNTY COMMISSIONERS OF ANDERSON COUNTY, KANSAS, hereinafter "COUNTY", and the CITY OF GARNETT, KANSAS, hereinafter "CITY".

WITNESSETH: THAT WHEREAS, COUNTY did, on March 1, 1965, begin proceedings for the organization of a Fire District in Anderson County, Kansas, and did on May 10, 1965, make a final Resolution organizing said fire district and establishing Fire District #1, Anderson County, Kansas, which said District did consist of and does presently consist of all of the territory in Anderson County, Kansas, except the townships of Rich, Lone Elm, and North Rich, and the territory within the limits of any incorporated city within Anderson County, Kansas, and within the boundaries of Fire District #1, except the City of Colony, Kansas; and

WHEREAS, On June 6, 1966, COUNTY did make and adopt a Resolution extending the boundaries of Fire District #1 to include the City of Colony, Kansas; and

WHEREAS, Several modifications to the original agreements have been made or are now desirable, and the parties hereto now agree that it is necessary to modify the immediate previous Agreement governing the parties' responsibilities with respect to said Rural Fire District #1.

NOW, THEREFORE, IT IS AGREED That by reason of and in consideration of the covenants and promises herein recited, that CITY will furnish to COUNTY firefighting service within the territory designated as Rural Fire District #1 and to that end shall make a reasonable effort, road and weather conditions permitting, to attend fires within such district when notified of the same, and to furnish a crew of men of not fewer than three (3) in number; provided, however, that the Fire Chief, or other person in charge of CITY'S Fire Department, shall have the right, in any case, to determine whether or not CITY shall be able to spare it's firemen or any additional fire equipment as may be appropriate at such particular time as they are requested to attend a fire in said

EXHIBIT "A"

Rural Fire District #1; and provided further that CITY shall not be liable in any way to COUNTY, or to any inhabitant or taxpayer of the said Rural Fire District #1, or to any other person, firm, or corporation, for the failure of it's fire department to attend any fire or failure to extinguish a fire for damage to goods, property, or persons for any reason whatsoever.

In furnishing such firefighting service, CITY shall rely principally upon motorized and other fire equipment owned by COUNTY and housed at COUNTY'S Fire House in Garnett, but in carrying out it's obligations hereunder CITY shall always retain and have uncontrolled discretion to commit any of its own fire equipment and supplies, including, but not limited to motorized equipment, as may reasonably be necessary to combating any particular fire within Rural Fire District #1.

COUNTY agrees to pay CITY as compensation for such firefighting service as follows, to-wit:

1. The sum of Five Dollars (\$5.00) as "show up" pay and the sum of Ten Dollars (\$10.00) per man, per call, for each fireman furnished by CITY under the terms of this Agreement.
2. For any of the following-designated motorized equipment utilized by CITY and providing services hereunder, the sum set opposite each such piece of equipment, to-wit:

(a) American LaFrance Pumper Unit	\$ <u>150.00</u>
(b) Seagrave Pumper Unit	\$ <u>250.00</u>
(c) Tele-squrt Unit	\$ <u>200.00</u>
3. A sum sufficient to reimburse CITY for its actual cost in replacing all lost or damaged fire equipment or supplies used in connection with providing firefighting service hereunder.

CITY covenants with COUNTY and COUNTY, in turn, covenants with CITY that CITY'S Ford Pumper Unit shall be available for reserve or back up service throughout Rural Fire District #1 and if used no equipment charge shall be made; and COUNTY'S Pierce Pumper Unit shall similarly be available for use within the corporate limit of the City of Garnett without special charge, provided, however, should CITY utilize the said Pierce Pumper within its corporate limits for its own municipal fire purposes, CITY shall reimburse COUNTY for any loss or damage to said equipment occasioned by reason of such service within said municipality.

COUNTY further covenants, to-wit:

1. To levy sufficient taxes on the tangible property within Rural Fire District #1, Anderson County, Kansas, so as to raise a sum sufficient for the payment of all services provided herein and to provide for and meet other obligations incurred by COUNTY herein, including, but not limited to the maintenance of all equipment.
2. That it will furnish for use by CITY up to but not exceeding eight (8) pager alert radio units, equal or greater in quality to the pagers presently used by CITY for its municipal volunteer fire department and fully compatible with CITY'S pager alert equipment.
3. To retain the services of an individual who shall be designated as County Fire Supervisor and whose duties shall include the supervision of all COUNTY fire equipment and the maintenance thereof, attending to the provision of adequate personal safety gear for all fire fighters and who shall notify CITY'S Fire Chief, or other person in charge of CITY'S Municipal Fire Department, of any inoperable equipment and of the fact of the restoration of such formerly inoperable equipment to regular service.

The parties further covenant and agree:

1. The parties shall maintain adequate insurance on all motorized fire equipment.
2. All fire equipment shall be maintained by the party owning the same in good repair and shall be promptly replaced if damaged, inoperable, or obsolete.
3. The parties shall submit, one to the other, not less frequently than monthly, a statement for all sums due under this contract and it shall be timely paid in the ordinary course of payment of the obligor's claims, and the failure to pay the same in a timely fashion by the obligor will render this contract null and void in its entirety.
4. The alarm shall be sounded in the event of a fire, first upon the municipal fire phone of CITY and next on the pager alert radio system and finally on the municipal fire siren of CITY.
5. The parties hereto waive any and all claims against the other which may or which do arise out of the performance of services hereunder and any party requesting services shall indemnify and save harmless the providing party from all claims by third persons for property damage or personal liability which may arise out of the activities of either party while rendering any aid under this Agreement or furnishing any equipment, and to that end the services performed and expenditures made under this Agreement shall be and are deemed to be for public and governmental purposes and not private purposes and all immunities from liability enjoyed by a local government within its own boundaries shall extend to its participation in rendering service hereunder or providing equipment even though such be rendered or provided outside its political boundaries.

6. All benefits, including, but not limited to, pension relief disability, workers compensation, and insurance benefits enjoyed by the employees of either party, shall extend to the services they perform under this Agreement or equipment provided.
7. This Agreement shall be binding upon the successors and assigns of the parties and shall continue in force unless cancelled by either party; provided, however, such cancellation shall not be effective until at least ninety (90) days written notice has been given by the party desiring to effect cancellation.
8. This Agreement is made and executed under the provisions of K.S.A. 80-1501, et seq., and shall be construed under such statutory provisions.

IN WITNESS WHEREOF, This Agreement is made and executed in duplicate on behalf of COUNTY by it's Commissioners and attested by its Clerk, and on behalf of CITY by its Mayor and attested by its Clerk, with the Seal affixed, the day and year first above written.

BOARD OF COUNTY COMMISSIONERS OF
ANDERSON COUNTY, KANSAS

Chairman

Member

Member

A T T E S T:

County Clerk

Agreement
Page 6

CITY OF GARNETT, KANSAS

By: _____
Mayor

A T T E S T:

City Clerk

A RESOLUTION AUTHORIZING THE EXECUTION OF A FIRE PROTECTION AGREEMENT WITH THE CITY OF GARNETT, KANSAS, TO PROVIDE FIREFIGHTING SERVICE FOR ANDERSON COUNTY RURAL FIRE DISTRICT #1.

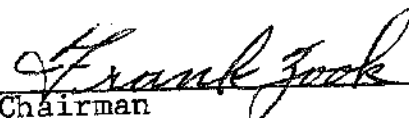
WHEREAS, It is agreed by the Board of Commissioners of Anderson County, Kansas, in their ex-officio capacity as Trustees of Anderson County Rural Fire District #1, to enter into a new Agreement to purchase firefighting service from the City of Garnett, Kansas; and

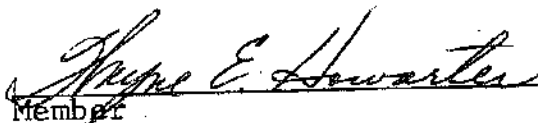
WHEREAS, An Agreement has been reached and reduced to writing setting out the areas of authority and obligations of the parties.

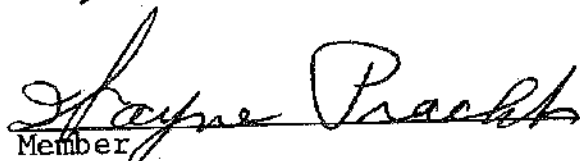
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF ANDERSON COUNTY, KANSAS, In regular session assembled, that such Agreement, a copy of which is attached hereto, be and it is hereby approved and the same ordered to be executed and entered into binding Anderson County to the terms thereof.

Dated this 2 day of June, 1980.

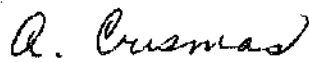
BOARD OF COMMISSIONERS OF ANDERSON
COUNTY, KANSAS


Chairman


Member


Member




County Clerk

ORDINANCE NO. 2541

AN ORDINANCE REGULATING THE USE OF FIREWORKS AND CERTAIN EXPLOSIVES WITHIN THE CITY OF GARNETT, KANSAS; AMENDING TITLE 7, CHAPTER 3 AND ADDING ADDITIONAL SECTIONS THERETO; REPEALING EXISTING TITLE AND CHAPTER; REPEALING TITLE 6, CHAPTER 9 AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH.

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

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

7-3-1: SELLING RESTRICTIONS: It shall be unlawful for any person, partnership, or corporation, or any combination thereof, within the City of Garnett to expose for sale, offer for sale, or sell any blank cartridge, firecracker, torpedo, skyrocket, or other fireworks or explosives of a like nature at retail:

- (a) Before the 27th day of June, 1980, and after the 5th day of July, 1980, and on the same dates of each succeeding year thereafter; and,
- (b) Except when the same are sold from an established place of retail business maintaining a fixed and permanent business location within the City;

except as otherwise specifically provided in this Chapter.

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

7-3-2: CERTAIN LOCATIONS OF SALE PROHIBITED: In no event shall any of the items described in Section 1 of this Chapter be exposed for sale, offered, or sold from any temporary stand or structure.

SECTION 3: EXPLODING; FIRING ON DESIGNATED DAYS: 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 mentioned in Section 1 of this Chapter, except on the days such fireworks may lawfully be sold at retail.

SECTION 4: EXPLODING, FIRING; LOCATION RESTRICTIONS: It shall be unlawful for any person or persons to use, fire off, explode, or cause to be exploded in the City of Garnett, any of the fireworks or explosives described in Section 1 of this Chapter at any time, within one thousand feet (1,000') of any hospital, sanitarium, or infirmary; into, at, toward, or under any car or motor vehicle, whether the same is moving or standing still; from any car or motor vehicle, whether moving or standing still; or within one hundred feet (100') of any gasoline pump, gasoline filling station, gasoline bulk station, or any building or area in which gasoline or volatile liquids are sold in quantities in excess of one (1) gallon, except in stores where cleaners, paints, oils, and other volatile materials are handled in sealed containers only.

SECTION 5: ILLEGAL FIREWORKS AND EXPLOSIVES: It shall be unlawful for any person, partnership, or corporation, or any combination thereof, to sell, to detonate, or explode, or to possess with the intent to sell, detonate, or explode such fireworks items as M-80s, cherry bombs, bulldogs, salutes, skyrockets, tubular salutes, repeating bombs, aerial bombs, torpedoes, metal propelled items, bottle rockets, and other similar items which are now or may be officially declared illegal in the State of Kansas under rules and regulations promulgated by the State Fire Marshal.

SECTION 6: INDUSTRIAL PURPOSES EXCEPTION: Nothing in this Chapter shall be construed to prohibit the sale or use of black powder, dynamite, or other explosives for industrial purposes, or the sale and use of loaded cartridges and other ammunition for firearms not otherwise prohibited by ordinances of this City or the laws of the State of Kansas or the United States of America; and provided further that the City Commission may grant permission to any responsible person, persons, or committee for patriotic displays of fireworks on or about the 4th of July in celebration of the independence of the United States of America, or such other occasion as the said Commission may deem proper, provided always that proper safeguards shall be required as to fire protection.

SECTION 7: PENALTY: Any person violating the provisions of this Chapter shall be deemed guilty of a misdemeanor and shall be punished as provided in Title 1, Chapter 3, Section 1 of this Code.

SECTION 8: REPEAL: Title 7, Chapter 3 of the Municipal Code, as the same presently exists; and Title 6, Chapter 9 of the Municipal Code, and all other provisions thereof, ordinances and enactments which are in conflict herewith are hereby repealed.

3-7
SECTION 9: The official codifier of the City of Garnett is hereby directed to place the operative provisions of this Ordinance in Title 7, Chapter 3, and to number Sections 3 through 7 inclusive hereof sequentially, beginning 7-3-3.

SECTION 10: This Ordinance shall take effect and be in force from and after its passage and its publication in an official City newspaper of Garnett, Kansas.

PASSED and APPROVED This 11th day of June, 1980.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2543

AN ORDINANCE AMENDING TITLE 7, CHAPTER 1 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS; ADOPTING A UNIFORM FIRE CODE, PROVIDING FOR THE ENFORCEMENT THEREOF, AND PENALTIES FOR VIOLATION THEREOF; REPEALING TITLE 7, CHAPTER 1 AS THE SAME PRESENTLY EXISTS.

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

SECTION 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", 1979 Edition thereof, published by the Western Fire Chiefs Association, whose address is 5360 South Workman Mill Road, Whittier, California 90601, of which not less than three (3) copies have been and are now on file in the office of the City Clerk, City Hall, Garnett, Kansas.


SECTION 2: 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 Fire Code".

SECTION 3: PENALTY FOR VIOLATING FIRE CODE. Any person violating the provisions of the "Uniform Fire Code" as adopted by reference by the City of Garnett, Anderson County, Kansas, or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Manager of the City of Garnett, Kansas, or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor and upon conviction thereof, shall be fined in a sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the City Jail for a period of not more than six (6) months, or by both such fine and imprisonment; provided, however, that for each and every violation of Section 10.203 of the said "Uniform Fire Code", entitled Hydrant Use Approval, there shall be imposed a fine in a sum not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) and a period of imprisonment in the City Jail for a period of not less than one (1) nor more than six (6) months, which thirty (30) days of any such sentence shall be executed and not suspended. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

SECTION 4: REPEALER. Title 7, Chapter 1 of the Municipal Code of the City of Garnett, as the same presently exists, is hereby repealed.

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

PASSED and APPROVED This 25th day of June, 1980.


Mayor Pro Tem

ATTEST:


City Clerk

ORDINANCE NO. 2544

AN ORDINANCE AMENDING TITLE IV, CHAPTER 3, SECTION 1, OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, ADOPTING BY REFERENCE A UNIFORM PLUMBING CODE; SAVING CERTAIN AMENDMENTS; AND REPEALING EXISTING SECTION.

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

Section 1. ADOPTION OF UNIFORM PLUMBING CODE. There is hereby adopted by the City of Garnett, Kansas for the purpose of establishing rules and regulations for the installation, construction, alteration, removal, demolition, use, location and maintenance of plumbing and plumbing equipment, that certain code known as the "Uniform Plumbing Code" being particularly the 1979 edition, published by International Association of Plumbing and Mechanical Officials, whose address is 5032 Alhambra Avenue, Los Angeles, California 90032, of which not less than three copies have been and now are filed in the Office of the City Clerk.

Section 2. CERTAIN AMENDMENTS SAVED. The amendments to the Uniform Plumbing Code set out in Title 4, Chapter 3, Section 4 of the Municipal Code are saved and are to be construed as amendments to the Uniform Plumbing Code, Ed. 1979, as if fully set out herein as amendments.

Section 3. ORDINANCES REPEALED. Title 4, Chapter 3, Section 1 of the Municipal Code, as the same presently exists is repealed.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its adoption and publication in an official newspaper of the City of Garnett.

PASSED and APPROVED this 25th day of June, 1980.



Mayor PAO TEM

ATTEST:



City Clerk

(SEAL)

AN ORDINANCE RELATING TO CERTAIN MISCELLANEOUS TRAFFIC VIOLATIONS SPECIFYING AND DEFINING THE SAME; PROVIDING A GENERAL PENALTY FOR VIOLATIONS OF SUCH REGULATIONS; AMENDING TITLE 10, CHAPTER 9, SECTION 1 OF THE MUNICIPAL CODE AND REPEALING ENACTMENTS INCONSISTENT THEREWITH.

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

SECTION 1: Title 10, Chapter 9, Section 1 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

10-9-1: PENALTY: Every person convicted of a violation of this Chapter, or any section or sub-part thereof, shall be punished for the first conviction thereof by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year thereafter, such person shall be punished by a fine of not more than two hundred dollars (\$200.00) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year, such person shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

SECTION 2: CARELESS DRIVING: No person shall operate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the rights or the safety of others, or in such a manner as to endanger or be likely to endanger any person or property.

SECTION 3: TRANSPORTATION OF LIQUOR IN OPENED CONTAINERS UNLAWFUL; EXCEPTION: It shall be unlawful for any person to transport in any vehicle upon a public highway, street, or alley any alcoholic liquor, except in the original package or container, which shall not have been opened and the seal upon which shall not have been broken and from which the original cap or cork shall not have been removed, unless the opened package or container be in the locked rear trunk or rear compartment or any locked outside compartment which is not accessible to the driver or any other person in said vehicle while it is in motion.

SECTION 4: OPERATION OF VEHICLE CONTRARY TO RESTRICTIONS OF LICENSE: No person shall drive or operate any motor vehicle upon any highway in this City contrary to or in violation of any restrictions imposed upon his driver's license or his privilege to operate motor vehicles in the State of Kansas, whether such restrictions be imposed by the authority issuing such license or by any court of competent jurisdiction.

SECTION 5. Title 10, Chapter 9, Section 1 of the Municipal Code, as the same presently exists, together with any other ordinance or enactment in conflict herewith is hereby repealed.

SECTION 6: The official codifier of the City of Garnett is hereby directed to place the operative provisions of this Ordinance in Title 10, Chapter 9 and to number Sections 2 through 4 inclusive hereof sequentially beginning 10-9-2.

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

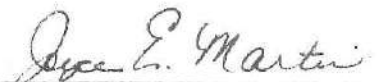
Ordinance
Page 2

PASSED and APPROVED this 25TH day of June, 1980.



Mayor Pro Tem

A T T E S T:



City Clerk

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 1518 feet west and 250 feet south of the Northeast corner of the Southeast 1/4, Section 19, Township 20s, Range 20e., Anderson County, Kansas. Thence east 900 feet, thence south 150 feet, thence west 900 feet, thence north 150 feet to 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 the owners thereof having petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, such land being adjacent to an existing boundary of the said City of Garnett, Kansas, is hereby annexed to and made a part of the City of Garnett, Kansas.

SECTION 2: Such addition shall be known as "Jim McDonald Addition to the City of Garnett".

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

PASSED and APPROVED, this 23rd day of July, 1980.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2548

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, PROVIDING FOR COMPENSATION FROM SUCH COMPANY FOR SAID RIGHT AND FRANCHISE, PRESCRIBING THE TERMS OF AND RELATING TO SUCH FRANCHISE AND REPEALING INCONSISTENT ORDINANCES OR PARTS 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 purpose of generating and distributing electric energy; and

WHEREAS, the Company is operating a system for the production, transmission and distribution of electric current in the State of Kansas and has heretofore built, or proposes to build, its electric facilities within and through the City of Garnett, Kansas; and

WHEREAS, the parties hereto desire that the Company furnish energy to consumers in said City located in the areas of the City in which the Company shall hold a Certificate of Convenience and Authority from the State Corporation Commission of the State of Kansas;

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

SECTION I. 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 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, maintain within the existing and any future extended corporate limits of the City for which the Company now or shall hereafter hold a Certificate of Convenience and Authority from the State Corporation Commission of the State of Kansas 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 within the City and outlying areas 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, generating, purchase or otherwise, and to transmit and distribute same by means of underground or overhead facilities or otherwise, and for any or all of said purposes it is authorized to (i) construct, install, replace and remove conduits, poles, lamp posts, guys, anchors, wires, cables, street lights and all other related facilities in, on, under, along, across and over all streets, alleys, avenues, bridges, parks, parking and other existing and any future public places or thoroughfares, (ii) construct, erect, maintain and remove all buildings, machinery and attachments of any and every kind for any and all said purposes, and (iii) 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 the City's jurisdiction, and to trim trees upon and overhanging such places and make such excavations thereon as may be appropriate, for the construction, operation, maintenance, repair, renewal and removal of the Company's overhead and underground facilities and plants.

SECTION II. 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, by and at the expense of the Company.

SECTION III. The Company shall at all times during the term of this franchise supply to consumers of electric energy, residing in those portions of the City duly certificated to the Company by the State Corporation Commission of the State of Kansas, such electric energy as they may require, and shall extend and construct its lines and services in accordance with legal requirements and rules and regulations as filed from time to time with the State Corporation Commission of the State of Kansas. Nothing contained herein shall be construed as a guarantee upon the part of the Company to furnish uninterrupted services, 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 exempted from the terms of this Section.

SECTION IV. All poles and wires shall be erected in accordance with the rules and regulations of the State Corporation Commission of the State of Kansas as set out in Docket No. 1944 and any amendments thereto. All poles carrying said wires shall be placed in such manner as to interfere with and obstruct as little as reasonably possible, the ordinary use of the streets, alleys, lanes and highways of said City, and shall not interfere with any gas main, water main or sewer now laid out or constructed in or under said streets, alleys, lanes and highways of said City.

SECTION V. 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 precaution 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 VI. As a further consideration for the rights, privileges and franchise hereby granted, the grantee shall, on the effective date hereof, and annually thereafter, pay to the City Treasurer the sum of Ten Dollars (\$10.00).

SECTION VII. All provisions of this Ordinance shall be binding upon the Company from and after the date of written acceptance hereof by the Company, and shall inure to the benefit of the Company, its grantees and its successors and assigns.

SECTION VIII. All ordinances and parts of ordinances in conflict herewith are hereby repealed as of the effective date of this Ordinance.

SECTION IX. This Ordinance is made under and in conformity with the laws of the State of Kansas, and shall take effect and be in force as therein provided.

PASSED AND APPROVED THIS 27th DAY OF AUGUST, 1980.

Rale Lybarger
Mayor

ATTEST:

Joyce E. Martin
City Clerk



ORDINANCE NO. 2549

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LANDS LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 2230 OF SAID CITY.

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

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

Beginning at the Southwest Corner of Lot C-3 of Hayden's Lakeview Estates Addition to the City of Garnett, Kansas, (Rev. 1977), thence North 178 feet, thence East 161 feet, thence South 178 feet, thence West 161 feet to the place of beginning;

is hereby changed from C-3 (Commercial District) to R-1 (Residential District).

SECTION 2: Upon this Ordinance becoming effective, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said Official Zoning Map is hereby reincorporated as amended as a part of Ordinance No. 2230.

SECTION 3: This Ordinance shall take effect and be in force from and after its passage and publication in The Anderson Countian, the official City newspaper.

PASSED By the Commission and approved this 23rd day of July, 19 80.

Mayor

Rale Lybarger

A T T E S T:

Jesse E. Martin
City Clerk

ORDINANCE NO. 2550

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LANDS LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 2230 OF SAID CITY.

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

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

Lots One (1) through Twelve (12) inclusive,
Block Twelve (12), Bronston Heights Addition
to the City of Garnett, Kansas;

is hereby changed from R-3 (Residential District) to
C-2 (Commercial District).

SECTION 2: Upon this Ordinance becoming effective, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said Official Zoning Map is hereby reincorporated as amended as a part of Ordinance No. 2230.

SECTION 3: This Ordinance shall take effect and be in force from and after its passage and publication in The Anderson Countian, the official City newspaper.

PASSED By the Commission and approved this 23rd day of
July, 19 80.

Mayor

Pale Lybarger

A T T E S T:

Jesse E. Martin
City Clerk

ORDINANCE NO. 2553

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF GARNETT, KANSAS FOR THE PURPOSE OF PAYING THE COST OF CERTAIN SEWER IMPROVEMENTS IN THE B.R.P. ADDITION.

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the construction of sanitary sewer improvements in the B.R.P. Addition to the City of Garnett; and

WHEREAS, the Governing Body of the City of Garnett, Kansas has determined the total cost of such improvements to be \$15,635.00 of which amount the City of Garnett's share is \$7,211.96 and \$8,423.04 shall be assessed against the improvement district; and

WHEREAS, The Governing Body of the City of Garnett has, after due notice met and determined the amount of such special assessments.

SECTION 1. Special assessments to pay the cost of said improvements, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for said special assessment for said improvements as follows:

DESCRIPTION OF PROPERTY	ASSESSMENT
Beginning at a point 92 rods West of the Southeast corner of section nineteen (19), township (20), Range (20), East of the sixth Principal Meridian, thence East 250 feet, thence North 400 feet, thence West 250 feet, thence South to the place of beginning.	\$2,807.68
Commencing at a point 56 rods West of Southeast corner of Southeast Quarter of section nineteen (19), township twenty (20), Range (20), thence West 100 feet, thence North 180 feet, thence East 100 feet, thence South 180 feet to the place of beginning.	\$2,807.68
Commencing at a point 56 rods West of Southeast corner of Southeast Quarter of section nineteen (19), township twenty (20), Range twenty (20), thence running North 400 feet, thence West 344 feet, thence South 400 feet, thence East 20 feet, thence North 180 feet, thence East 80 feet, thence South 180 feet, thence East 244 feet to place of beginning.	\$2,807.68

SECTION 2. Such amounts levied and assessed as set forth in Section 1 of this ordinance shall be due and payable from and after the publication of this ordinance, and unless such assessments are paid within ten (10) days from the publication of this ordinance, bonds will be issued therefore and the City Clerk shall certify to the County Clerk all of the above assessments which have not been paid, together with interest at a rate not to

exceed ten (10) percent per annum, the specific rate of interest being the average net interest rate on the bonds issued to pay for said improvements and such amounts so certified shall be placed on the tax rolls and collected as other taxes are collected over a period of ten (10) years, the levy for each year being one-tenth of the principal amount of the assessment plus one year's interest on the amount unpaid.

SECTION 3. This ordinance shall take effect and be in force from and after its publication as provided by law.

PASSED and APPROVED this 25TH day of AUGUST, 1980.



Mayor

Attest:



City Clerk

ORDINANCE NO. 2554

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF GARNETT, KANSAS FOR THE PURPOSE OF PAYING THE COST OF CERTAIN STREET IMPROVEMENTS IN AN AREA KNOWN AS CEDAR STREET.

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the improvement of said Cedar Street in the City of Garnett; and

WHEREAS, the Governing Body of the City of Garnett, Kansas has determined the total cost of such improvements to be \$6,125.00 of which amount the City of Garnett's share is \$1,475.00 and \$4,650.00 shall be assessed against the improvement district; and

WHEREAS, the Governing Body of the City of Garnett has, after due notice met and determined the amount of such special assessments.

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

SECTION 1. Special assessments to pay the cost of said improvements, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for said special assessment for said improvements as follows:

DESCRIPTION OF PROPERTY	ASSESSMENT
All of Lots 1 and 2; the South 41 feet of Lot 3, Block 1, Tawney Addition	\$1,825.00
South half of Lot 2 and all of Lot 1, Block 2 of the Tawney Addn.	\$1,825.00
North half of Lot 2 and all of Lot 3, Block 2 of the Tawney Addn.	\$1,000.00

SECTION 2. Such amounts levied and assessed as set forth in Section 1 of this ordinance shall be due and payable from and after the publication of this ordinance, and unless such assessments are paid with ten (10) days from the publication of this ordinance, bonds will be issued therefore and the City Clerk shall certify to the County Clerk all of the above assessments which have not been paid, together with interest at a rate not to exceed ten (10) percent per annum, the specific rate of interest being the average net interest rate on the bonds issued to pay for said improvements and such amounts so certified shall be placed on the tax rolls and collected as other taxes are collected over a period of ten (10) years, the levy for each year being one-tenth of the principal amount of the assessment plus one year's interest on the amount unpaid.

SECTION 3. This ordinance shall take effect and be in force from and after its publication as provided by law.

PASSED and APPROVED this 25TH day of August, 1980.

Pale Lybarger
Mayor

Attest:

James E. Martin
City Clerk

ORDINANCE NO. 2555

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF GARNETT, KANSAS FOR THE PURPOSE OF PAYING THE COST OF CERTAIN STREET IMPROVEMENTS IN AN AREA KNOWN AS WASHINGTON STREET.

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the improvement of Washington Street in the City of Garnett; and

WHEREAS, the Governing Body of the City of Garnett has determined the total cost of said improvements to be \$23,430.00 and that one hundred percent (100%) thereof be assessed against the improvement district and

WHEREAS, the Governing Body of the City of Garnett, has, after due notice met and determined the amount of such special assessments.

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

Section 1. Special assessments to pay the cost of said improvements, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for said special assessment for said improvements as follows:

DESCRIPTION OF PROPERTY	ASSESSMENT
All of Lot 1 and West 22 1/2' of Lot 2, Block 2, Pineway Addition	\$2,185.78
East 27 1/2' of Lot 2, all of Lot 3, West 7 1/2' of Lot 4, Block 2, Pineway Addition	\$2,008.55
East 42 1/2' of Lot 4, All of Lot 5 and West 7 1/2' of Lot 6, Block 2, Pineway Addition	\$2,363.00
East 42 1/2' of Lot 6 and all of Lot 7, Block 2, Pineway Addition	\$2,185.78
127' of Lot 4 in Tawney Addition	\$3,001.01
All of Lot 1 and West 22 1/2' of Lot 2	\$2,126.70
East 28 1/2' of Lot 2 All of Lot 3, West 15' of Lot 4	\$2,185.78
East 35' of Lot 4, Block 1, all of Lot 5 and West 10' of Lot 6, Pineway Addition	\$2,244.85
East 40' of Lot 6, and all of Lot 7, Block 1, Pineway Addition	\$2,126.70
127' of Lot 2 in Tawney Addition	\$3,001.01

SECTION 2. Such amounts levied and assessed as set forth in Section 1 of this ordinance shall be due and payable from and after the publication of this ordinance, and unless such assessments are paid within ten (10) days from the publication

of this ordinance, bonds will be issued therefore and the City Clerk shall certify to the County Clerk all of the above assessments which have not been paid, together with interest at a rate not to exceed ten (10) percent per annum, the specific rate of interest being the average net interest rate on the bonds issued to pay for said improvements and such amount so certified shall be placed on the tax rolls and collected as other taxes are collected over a period of ten (10) years, the levy for each year being one-tenth of the principal amount of the assessment plus one year's interest on the amount unpaid.

SECTION 3. This ordinance shall take effect and be in force from and after its publication as provided by law.

PASSED and APPROVED this 25TH day of AUGUST, 1980.

Paul Lybrager
Mayor

Attest:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2556

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF GARNETT, KANSAS FOR THE PURPOSE OF PAYING THE COST OF CERTAIN STREET IMPROVEMENTS IN AN AREA KNOWN AS PINE STREET.

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the improvement of said Pine Street in the City of Garnett, Kansas.

WHEREAS, the Governing Body of the City of Garnett, Kansas has determined the total cost of such improvements to be \$42,350.00 of which amount sixty percent (60%) be paid by the City at large and forty percent (40%) shall be assessed against the improvement district; and

WHEREAS, the Governing Body of the City of Garnett has, after due notice, met and determined the amount of such special assessments.

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

SECTION 1. Special Assessments to pay the cost of said improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for said special assessment for said improvement as follows:

DESCRIPTION OF PROPERTY	ASSESSMENT
Lot 1, Block 2, Pineway Addition	\$1,427.90
Lot 1, Block 1, Pineway Addition	\$1,427.90
Lot 12, Block 4, City of Garnett	\$1,388.24
North 70' of Lot 12, Block 17, City of Garnett	\$ 694.12
South 70' of Lot 12, Block 17, City of Garnett	\$ 694.12
All of Lot 13, Block 17, City of Garnett	\$1,388.24
All of Lot 1, Block 3, 50' of vacated street, all of Lot 1, Block 4 in Pineway Addition	\$3,351.61
All of Lot 24, Block 25, City of Garnett	\$1,388.24
South 60' of Lot 1, Block 16, City of Garnett	\$ 594.96
North 80' of Lot 1, Block 16, City of Garnett	\$ 793.28
All of Lot 1, Block 4, City of Garnett	\$1,388.24

SECTION 2. Such amounts levied and assessed as set forth in Section 1 of this ordinance shall be due and payable from and after the publication of this ordinance, and unless such assessments are paid within ten (10) days from the publication of this ordinance, bonds will be issued therefore and the City Clerk shall certify to the County Clerk all of the above assessments which have not been paid, together with interest at a rate not to exceed ten (10) percent per annum, the specific rate of interest being the average net interest rate on the bonds issued to pay for said improvements and such

amounts so certified shall be placed on the tax rolls and collected as other taxes are collected over a period of ten (10) years, the levy for each year being one-tenth of the principal amount of the assessment plus one year's interest on the amount unpaid.

SECTION 3. This ordinance shall take effect and be in force from and after its publication as provided by law.

PASSED and APPROVED this 25TH day of AUGUST, 1980.

Paul Lybarger
Mayor

Attest:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2557

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR SEWER 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 AND 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 sewer 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 sewer improvements as specified therein 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 the 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 fully advised in the premises, it is found and determined that the improvements therein specified are advisable and that the nature and estimated cost of such improvements are and are approved as follows:

Extension and installation of sanitary sewer mains, eight inches (8") in diameter and of the design, style and type to be approved by the Kansas Department of Health & Environment; approximately 600 feet in length; maximum estimate project cost \$5,377.00

SECTION 3: It is further found that the extent of the proposed improvement district is:

Lots Three (3), Four (4), Five (5), and Six (6) of Maplewood Addition to the City of Garnett, Kansas; all of said real estate being situate in Anderson County, Kansas.

SECTION 4: It is proposed that the entire actual cost of the above improvements be assessed against the improvement district so created and apportioned pro rata to each of the four (4) lots of record contained within such improvement district.

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 27th day of August, 1980.



Mayor

ATTEST:



City Clerk

=====

ORDINANCE NO. 2558

OF THE
CITY OF GARNETT, KANSAS

ADOPTED

Sept. 8, 1980

\$82,000

SPECIAL IMPROVEMENT DISTRICT BONDS

SERIES SEPTEMBER 1, 1980

=====

[PUBLISHED IN THE Anderson Countian ON SEPTEMBER 11, 1980]

ORDINANCE NO. 2558

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE, SALE AND DELIVERY OF \$82,000 PRINCIPAL AMOUNT OF SPECIAL IMPROVEMENT DISTRICT BONDS, SERIES SEPTEMBER 1, 1980, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF CERTAIN STREET AND SANITARY SEWER IMPROVEMENTS IN THE CITY; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS; AND PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE.

WHEREAS, pursuant to K.S.A. 12-6a01 to 12-6a17, inclusive, and K.S.A. 10-101 to 10-133, inclusive, and other provisions of the laws of the State of Kansas applicable there-to, by proceedings duly had, the governing body of the City of Garnett, Kansas (herein called the "City"), has caused certain improvements to be made in the City, consisting of: (1) Construction of street improvements to Cedar Street from Washington Street south approximately 75 feet, in the City of Garnett, Kansas; (2) Construction of street improvements to Washington Street from Pine Street to Cedar Street, in the City of Garnett, Kansas; (3) Construction of street improvements to Pine Street from Second Avenue north approximately 925 feet, in the City of Garnett, Kansas; and (4) Construction of sanitary sewer improvements in the B.R.P. addition, in the City of Garnett, Kansas; and

WHEREAS, all legal requirements pertaining to said improvements have been complied with, and the governing body of the City now finds and determines that the total costs of said improvements and related expenses are at least \$93,946.44, part of which is to be paid by the City at large and part of which is chargeable to the property benefited, which the latter part has been levied and assessed against the several lots, pieces and parcels of lands liable for special assessments for said improvements; 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 said improvements; and

WHEREAS, the governing body of the City hereby finds and determines that it is necessary for the City to authorize the issuance and delivery of its general obligation bonds in the principal amount of \$82,000. to pay the costs of said improvements including the paying off and retiring of temporary notes of the City heretofore issued to provide funds for the payment of said costs; and

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

Section 1. Authorization of and Security for the Bonds. For the purpose of providing funds to pay the cost of certain street and sanitary sewer improvements in the City, there shall be issued and hereby are authorized and directed to be issued the Special Improvement District Bonds, Series September 1, 1980, of the City in the principal amount of \$82,000 (herein called the "Bonds").

The Bonds shall be general obligations of the City payable as to both principal and interest from special assessments levied upon the property benefited by such 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 full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the Bonds and the interest thereon as the same become due.

Section 2. Description of the Bonds, Designation of Paying Agent. The Bonds shall consist of negotiable coupon Bonds, numbered from 1 consecutively upward, in the denomination of \$1,000 each. All of the Bonds shall be dated September 1, 1980, shall become due serially on October 1 in the respective years, without option of prior payment, and shall bear interest from the date thereof at the respective rates per annum, as follows:

<u>MATURITY OCTOBER 1</u>	<u>PRINCIPAL AMOUNT</u>	<u>ANNUAL RATE OF INTEREST</u>
1981	\$ 7,000	7 3/8%
1982	8,000	7 3/8%
1983	8,000	7 3/8%
1984	8,000	7 3/8%
1985	8,000	7 3/8%
1986	8,000	7 3/8%
1987	8,000	7 3/8%
1988	8,000	7 3/8%
1989	9,000	7 3/8%
1990	10,000	7 3/8%

Interest on the Bonds at the rates aforesaid shall be payable semiannually on April 1 and October 1 of each year, beginning on April 1, 1980. Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America at the office of the state Treasurer, in the City of Topeka, Kansas (herein called the "Paying Agent").

Section 3. Method of Execution of the Bonds. Each of the Bonds shall be signed by the facsimile signature of the Mayor and attested by the facsimile signature of the City Clerk and shall have the corporate seal of the City affixed or imprinted thereon. Interest coupons shall be attached to the Bonds representing the interest thereon, which interest coupons shall bear the facsimile signatures of the Mayor and City Clerk.

Section 4. Form of Bonds. Each of the Bonds and the certificates to appear thereon and the interest coupons to be attached thereto shall be in substantially the following form:

(FORM OF BOND)

No. _____

\$1,000

UNITED STATE OF AMERICA
STATE OF KANSAS
COUNTY OF ANDERSON

CITY OF GARNETT

SPECIAL IMPROVEMENT DISTRICT BOND
SERIES SEPTEMBER 1, 1980

KNOW ALL MEN BY THESE PRESENTS: That the CITY OF GARNETT, a municipal corporation in the County of Anderson, State of Kansas (herein called the "City"), for value received, hereby acknowledges itself to be indebted and promises to pay to the bearer the principal sum of

ONE THOUSAND DOLLARS

on the First day of October, 19__, and to pay interest thereon from the date hereof at the rate of _____ percent (____%) per annum, payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1981, until said principal sum shall have been paid, upon presentation and surrender of the interest coupons hereto attached as they severally become due. Both principal of and interest on this Bond shall be payable in lawful money of the United States of America at the Office of the State Treasurer, in the City of Topeka, Kansas.

THIS BOND is one of an authorized series of negotiable coupon bonds of the City designated "Special Improvement Bonds, Series September 1, 1980", of like date, denomination and tenor excepting number, interest rate and maturity, aggregating the principal amount of \$82,000 (herein called the "Bonds"), issued

by the City for the purpose of providing funds to pay the cost of certain street and sanitary sewer improvements in the City, under the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and statutes of the State of Kansas, including K.S.A. 12-6a01 to 12-6a17, inclusive, and K.S.A. 10-101 to 10-133, inclusive, and all amendments thereof, and all other provisions of the laws of said State applicable thereto, and pursuant to proceedings duly and legally had by the governing body of the City.

THE BONDS are general obligations of the City payable as to both principal and interest from special assessments levied upon the property benefited by such 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 full faith, credit and resources of the City are hereby irrevocably pledged for the prompt payment of the Bonds and the interest thereon as the same become due.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions and things required to be done and to exist precedent to and in the issuance of this Bond have been done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the City, including this Bond and the series of which it is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Garnett, Kansas, by its governing body, has caused this Bond to be signed by the facsimile signature of its Mayor and attested by the facsimile signature of its City Clerk, and its corporate seal to be affixed or imprinted hereon, and has caused the interest coupons hereto attached to be signed by the facsimile signatures of said Mayor and City Clerk, and this Bond to be dated this First day of September, 1980.

ATTEST:

(facsimile)
Mayor

(facsimile)
City Clerk

Registration No. _____

(FORM OF COUPON)

(First coupon due
April 1, 1981)

The CITY OF GARNETT, KANSAS, promises)
to pay the bearer the amount shown hereon in)
lawful money of the United States of America)
at the office of the STATE TREASURER, Topeka,)
Kansas, upon presentation and surrender of this)
coupon, being interest then due on its SPECIAL)
IMPROVEMENT DISTRICT BOND, SERIES SEPTEMBER 1,)
1980, dated September 1, 1980.)

On April 1,
October 1, 1981,

\$ _____

Bond No. _____

Coupon No. _____

(facsimile)

Mayor

ATTEST:

(facsimile)

City Clerk

Registration No. _____

(FORM OF CITY CLERK'S CERTIFICATE)

STATE OF KANSAS)

COUNTY OF _____)

SS.

I, the undersigned, City Clerk of the City of Garnett, Kansas, hereby certify that the within Bond has been duly registered in my office according to law.

WITNESS my hand and official seal this _____.

City Clerk

(FORM OF STATE TREASURER'S CERTIFICATE)

OFFICE OF THE STATE TREASURER OF KANSAS

STATE OF KANSAS)
) SS.
COUNTY OF SHAWNEE)

I, Joan Finney, State Treasurer of Kansas, do hereby certify that a full and complete transcript of the proceedings leading up to the issuance of the within Bond has been filed in my office, and that this Bond and the coupons attached hereto were duly registered in my office in compliance with the laws of the State of Kansas this _____.

WITNESS my hand and official seal.

State Treasurer of Kansas

By _____
Assistant State Treasurer

Section 5. Execution and Delivery of the Bonds. The Mayor and City Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner hereinbefore specified, and to cause the Bonds to be registered in the office of the City Clerk and in the office of the State Treasurer of Kansas as provided by law, and, when duly executed and registered, to deliver the Bonds to Shearson Loeb Rhodes Inc. the original purchaser of the Bonds, upon receipt by the City of the purchase price of the Bonds, which purchase price shall be not less than 100% of the principal amount of the Bonds and accrued interest thereon to the date of delivery.

Section 6. Disposition of Bond Proceeds. All accrued interest and premium, if any, received from the sale of the Bonds shall be deposited in the Bond and Interest Fund held by the City Treasurer for the retirement of general obligation bonds of the City.

The balance of the proceeds derived from the sale of the Bonds shall be deposited in the City Treasury and shall be used and expended solely for the purpose of paying the cost of the improvements as hereinbefore described.

Section 7. Levy and Collection of Annual Tax. The governing body of the City shall annually make provision for the payment of principal of and interest on the Bonds as the same become due from the special assessments levied upon the property benefited by the improvements herein described, or if such special assessments are not sufficient therefor, by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The special assessments and taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other taxes of the City are levied and collected, and the proceeds derived therefrom shall be paid to the City Treasurer and deposited in the Bond and Interest Fund of the City and shall be used exclusively for the payment of the principal of and interest on the Bonds as and when the same shall become due and the payment of the fees and expenses of the Paying Agent as provided in Section 8 hereof.

If at any time said special assessments or 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 said principal or interest out of other funds of the City, which at the time are legally available for such purpose, and to reimburse said funds for money so expended when said special assessments or taxes are collected.

Section 8. Transfer of Funds to Paying Agent. The City Treasurer is hereby authorized and directed to withdraw from the Bond and Interest Fund and forward to the Paying Agent sums sufficient to pay both principal of and interest on the Bonds as and when the same become due, and also to pay the charges made by the Paying Agent for acting as fiscal agent in the payment of principal and interest on the Bonds, and said charges shall be forwarded to the Paying Agent over and above the amount of the principal of and interest on the Bonds.

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 official City newspaper.

PASSED AND APPROVED this 8TH day of September, 1980.



Joyce E. Martin
City Clerk

Paul Lybarger
Mayor

CERTIFICATE OF COSTS FOR SPECIAL
IMPROVEMENT DISTRICT BONDS, SERIES SEPTEMBER 1, 1980

STATE OF KANSAS)
) SS.
COUNTY OF ANDERSON)

I, Joyce E. Martin, City Clerk of the City of Garnett, Kansas, do hereby certify that listed below are the paid assessments and the costs of the improvement projects to be paid from the \$82,000 Special Improvement District Bonds, Series September 1, 1980, of the City of Garnett, Kansas:

<u>Paid Assessments:</u>	\$ 11,946.44
<u>Explanation</u>	<u>Cost</u>
Construction - Park Road Project	15,635.00
Construction - Cedar Street Project	6,125.00
Construction - Pine Street Project	42,350.00
Construction - Washington Street Project	23,430.00
Interest on Temporary Note	5,600.00
Issuance Expense	806.44
	<hr/>
	93,946.44
	<hr/>
Costs	\$
Less: Paid Assessments	\$ 11,946.44
	<hr/>
Bonds	\$ 82,000.00
	<hr/>

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Garnett, Kansas, on this 8th day of September, 1980.



Joyce E. Martin

Joyce E. Martin
City Clerk/Finance Director

ORDINANCE NO. 2559

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 the northwest corner of the Southeast Quarter (SE/4), Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) east, Anderson County, Kansas. Thence east on Section Line 308 feet, thence north 158 feet, thence east 364.3 feet, thence south 188 feet to Section Line, thence west 139.08 feet, thence south 250 feet, thence west 92 feet, thence south to railroad right of way, thence west 439.32 feet, thence north 309.6 feet to 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 the owners thereof having petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, such land being adjacent to an existing boundary of the said City of Garnett, Kansas, is hereby annexed to and made a part of the City of Garnett, Kansas.

SECTION 3: Such addition shall be known as "Eastgate Addition to the City of Garnett".

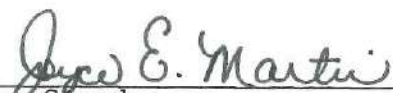
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and publication in an official City newspaper.

PASSED and APPROVED, This 24th day of September, 1980.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2560

AN ORDINANCE AMENDING THE LIQUOR REGULATIONS OF THE CITY OF GARNETT; PROVIDING FOR AN OCCUPATION TAX FOR RETAILERS OF ALCOHOLIC LIQUOR BY THE PACKAGE AND RETAILERS OF ALCOHOLIC LIQUOR FOR CONSUMPTION ON PREMISES AT CERTAIN LICENSED CLUBS; PROVIDING PROCEDURE FOR THE ISSUANCE AND DISPLAY OF SUCH LICENSES; AND REPEALING TITLE 5, CHAPTER 10, SECTIONS 1 THROUGH 3 INCLUSIVE OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS.

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

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

5-10-1: OCCUPATION TAX: There is hereby levied an annual occupation tax on each retailer of alcoholic liquor (including beer containing more than 3.2% of alcohol by weight).

- (a) In the amount of Three Hundred Dollars (\$300.00) for each retailer of alcoholic liquor (including beer containing more than 3.2% of alcohol by weight) in the original unopened package for consumption off the retail premises for each such retailer who has been issued a retail license by the State Director of the Alcoholic Beverage Control; and
- (b) Of Two Hundred Fifty Dollars (\$250.00) upon each Class B Club as the same is defined by Article 26 of Chapter 41 of Kansas Statutes Annotated, as the same presently exists, or is from time to time hereafter amended, the management of which has been issued such license by the State Director of Alcoholic Beverage Control;

which such tax shall, in each case, be paid before business is begun under an original State license and within five (5) days after renewal of any such State license.

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

5-10-2: STATE LICENSE OR APPLICATION TO BE PRESENTED: A person applying to pay the occupation tax levied in Section 1 of this Chapter, shall present to the City Clerk the appropriate Retailer's or Class B Club License issued by the State of Kansas, whereupon the tax levied shall be received and a receipt issued by the City Clerk; provided however, an applicant for a State license seeking to pay the said occupation tax shall present, in lieu of his appropriate State license, the written application therefor.

SECTION 3: Title 5, Chapter 10, Section 3 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

5-10-3: RECEIPT TO BE POSTED: Every retailer and Class B club licensee shall cause the City's Alcoholic Liquor Occupation Tax Receipt to be displayed in plain view in a conspicuous place on the licensed premises, either next to or below such person's State license.

Ordinance No. 2560
Page 2

SECTION 4: Title 5, Chapter 10, Sections 1 through 3 inclusive of the Municipal Code of the City of Garnett, Kansas, as the same presently exists, 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 and APPROVED, This 24th day of September, 1980.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2561

AN ORDINANCE AUTHORIZING NOTICE TO BE GIVEN OF THE INTENTION OF THE CITY OF GARNETT, KANSAS TO EXTEND, ENLARGE, AND IMPROVE ITS MUNICIPALLY OWNED ELECTRIC UTILITY.

WHEREAS, The Governing Body of the City of Garnett, Kansas has found and determined that it is necessary to extend, enlarge, and improve its municipally owned electric utility by purchasing a new generating unit and auxiliaries, including the necessary mechanical and electrical work connected therewith.


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

SECTION 1. That it is hereby found and determined that the municipally owned electric utility of the City of Garnett, Kansas should be extended, enlarged, and improved by purchasing a new generating unit and auxiliaries, including the necessary mechanical and electrical work connected therewith.

SECTION 2. That the total cost of the extension, enlargement, and improvement of said utility shall not exceed \$875,000.00, which shall be paid for by the issuance of revenue bonds not exceeding said amount as authorized by K.S.A. 10-1210. That the City Clerk is hereby directed to give notice in the official City newspaper of the intention of the Governing Body to make such extension, enlargement, and improvement of said City's municipally owned electric utility in accordance with the requirement of said statute.

SECTION 3. That this Ordinance shall take effect and be in full force and effect from and after its passage by the Board of Commissioners of said City and its publication in the official City newspaper.

PASSED and APPROVED this 24th day of September, 1980.



Mayor

A T T E S T:



City Clerk

NOTICE OF THE INTENTION OF THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS TO EXTEND, ENLARGE, AND IMPROVE ITS MUNICIPALLY OWNED ELECTRIC UTILITY AT A COST NOT IN EXCESS OF \$875,000.00 TO BE PAID FOR BY THE ISSUANCE OF REVENUE BONDS NOT IN EXCESS OF SAID COST.

TO THE CITIZENS OF THE CITY OF GARNETT, KANSAS, AND OTHER PERSONS CONCERNED:

It has been found and determined by the Governing Body of the City of Garnett, Kansas that it is necessary to extend, enlarge, and improve its municipally owned electric utility because of increasing demands for power and further to provide for the growth of said City, and, therefore, in accordance with the findings of the Governing Body of said City it is hereby proposed to extend, enlarge, and improve said City's municipally owned electric utility by purchasing a new generating unit and auxiliaries, including the necessary mechanical and electrical work connected therewith.

Such extension, enlargement, and improvement of said City's municipally owned electric utility has been found not to be a duplication of any existing service furnished by a private utility.

The estimated total cost of said extension, enlargement, and improvement is \$875,000.00, which will be financed by the authorization and issuance of revenue bonds under the authority and in accordance with the pertinent provisions of K.S.A. 10-1201 to 1213, inclusive.

The revenue bonds to be authorized and issued will not be general obligations of the City of Garnett, Kansas, and will not be payable from taxes upon any property located in said City, but will be a lien on the revenues produced from the operation of the municipally owned electric utility of said City.

This Notice is published pursuant to the direction of Ordinance No. 2561, passed and approved by the Governing Body on the 24th day of September, 1980.

If within fifteen (15) days after the date of publication of this Notice, written protest against the extension, enlargement, and improvement of said municipally owned electric utility and the authorization and issuance of said revenue bonds is not filed as provided by law, the Governing Body of said City will proceed to extend, enlarge, and improve said municipally owned electric utility in accordance with the intent as hereinabove set forth and will issue the electric revenue bonds of said City not exceeding the amount and for the purpose as hereinbefore recited.

Further details and information on the proposed improvement are available in the office of the City Clerk during regular business hours, at City Hall, 131 West Fifth Avenue, Garnett, Kansas.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2562

AN ORDINANCE REPEALING TITLE 5, CHAPTER 11 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, RELATING TO THE PROSCRIPTION OF TRADING STAMPS WITHIN SAID CITY.

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

SECTION 1: Title 5, Section 11 of the Municipal Code of the City of Garnett, Kansas, is hereby repealed.

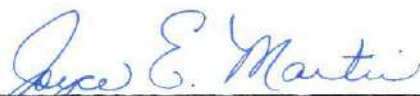
SECTION 2: This Ordinance shall take effect and be in force from and after its passage and publication in The Anderson Countian, an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED this 8th day of October, 1980.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2564

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 the northwest corner of the Southwest
Quarter (SE/4), Section Twenty-nine (29), Township
Twenty (20) South, Range Twenty (20) east, Anderson
County, Kansas. Thence east on Section Line 308
feet, thence north 188 feet, thence east 364.3
feet, thence south 188 feet to Section Line,
thence west 47.08 feet, thence south 170 feet,
thence west 92 feet, thence south 80 feet, thence
west 92 feet, thence south to railroad right of
way, thence west 439.32 feet, thence north 309.6
feet to place of beginning.

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

SECTION 2: Such addition shall be known as "Eastgate
Addition to the City of Garnett".

SECTION 3: Ordinance No. 2559, as the same presently
exists, is hereby repealed.

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

PASSED and APPROVED, This 22nd day of October, 1980.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2565

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: STANDARD RATE: All gas sold by the City of Garnett to each classification of user above established shall be charged for at the rate of \$2.55 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, 1980, and after its publication in an official City newspaper.

PASSED and APPROVED this 22nd day of October, 1980.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2566

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 AND 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 Catalpa 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.

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

Catalpa Street between Fourth Avenue and the extension of Park Road, said street being approximately 22 feet in width by approximately one-half mile in length and the improvement of the same with an asphaltic double-seal surface over a properly graded and compacted 6 inch crushed rock base and including the proper provisions for drainage according to good engineering practices; the estimated total project cost being \$35,000.00.

SECTION 3: It is further found that the extent of the proposed improvement district is:

Lots Three (3), Four (4), Eight (8), Nine (9), Ten (10), Eleven (11), and Fourteen (14), of Maggio Addition to the City of Garnett, Kansas;

Eighty (80) feet of frontage along the east side of said street, being the intersection of Catalpa Street with East Second Avenue of the City of Garnett, Kansas;

Lot Eight (8), Block One (1), and Lot Seven (7), Block Two (2), Pretzer Addition to the City of Garnett, Kansas;

Lot Twelve (12), Block Two (2), of Russell Addition to the City of Garnett, Kansas;

Sixty (60) feet of frontage along the west side of said street, being the intersection of Catalpa Street with East Monroe Avenue of the City of Garnett, Kansas.

SECTION 4: It is found that the City of Garnett's share of the cost of this project is \$21,100.00 of the estimated maximum project cost of \$35,000.00, the remaining \$13,900.00 of which is being paid by the Board of Commissioners of Anderson County, Kansas. Of the estimated project cost to be paid by the City of Garnett, \$21,100.00, it is found and determined that such sum shall be paid for as follows:

Forty per cent (40%) thereof from discretionary funds otherwise available to City of Garnett for such purposes; and

Sixty per cent (60%) thereof to be assessed against the improvement district so created above and apportioned as follows:

Five-sixths (5/6ths) of the sum so to be apportioned, to be apportioned pro rata upon the basis of lot frontage of each lot therein abutting Catalpa Street; and

One-sixth (1/6th) of the sum to be so apportioned, to be divided in four (4) equal parts and assessed equally to the four lots abutting East Second Street, a street intersecting with and lying east of said Catalpa Street, and lying within said district.

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.

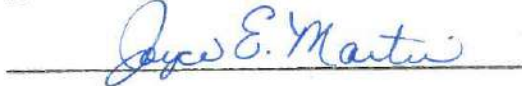
SECTION 6: This Ordinance shall take effect and be in force from and after its publication in an official newspaper of the City of Garnett.

PASSED and APPROVED This 22nd day of October, 1980.



Mayor

A T T E S T:



ORDINANCE #2567

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF GARNETT, KANSAS, TO FINANCE SEWER IMPROVEMENTS IN THE MAPLEWOOD IMPROVEMENT DISTRICT, 1980 AND STREET IMPROVEMENTS IN THE CATALPA STREET IMPROVEMENT DISTRICT, 1980 UNTIL SUCH TIME AS BONDS THEREFOR ARE ISSUED.

WHEREAS, Under proceedings duly and regularly had for the improvement of Catalpa Street, a public street within the City of Garnett, Kansas in the Catalpa Street Improvement District 1980, and for the extension of sewers to the Maplewood Addition to the City of Garnett, in the Maplewood Improvement District, 1980, said municipal improvements are now under contract and work progressing toward completion thereof; and

WHEREAS, The City of Garnett is obligated to make progress payments under said contract and to pay the entire contract sum upon the immediate completion of such work; and

WHEREAS, The City has no funds with which to finance such improvements until bonds are issued; and

WHEREAS, Pursuant to K.S.A. 10-123 (1980 Supp.) proper and full authority is conferred on the said City of Garnett to issue its temporary notes for the purposes of financing the improvements aforesaid.

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

SECTION 1: That for the purpose of providing funds to pay for the costs of sewer improvements to the Maplewood Addition and street improvements to Catalpa Street within the City of Garnett, Kansas in the improvement districts respectively designated and known as Maplewood Improvement District, 1980 and Catalpa Street Improvement District, 1980 respectively created and authorized by Ordinance No. 2557 and Ordinance No. 2566, and until bonds can be issued therefor, the Mayor and City Clerk be and they are hereby authorized to issue temporary notes of the City of Garnett, Kansas, not to exceed \$26,500.00 in the aggregate, which said notes shall be consecutively numbered and shall bear interest at the rate of eleven percent (11%) per annum and maturing on the 31st day of October, 1981, but which will be redeemable and cancellable at the time permanent bonds are issued in lieu thereof. Said temporary notes shall be issued from time to time as required during the progress of the work and shall not exceed in the aggregate the amount of \$26,500.00, said sum being the approved estimated cost of such improvement projects and the amount for which bonds are to be issued.


SECTION 2: That said notes shall be signed by the Mayor and attested by the City Clerk under the corporate seal of the City and when the same have been executed, they shall be registered as is provided by law.

SECTION 3: That said temporary notes shall contain recitals and be generally in the form and style as provided by the laws of the State of Kansas.

SECTION 4: That the said City is authorized under K.S.A. 12-6a01, et seq., to make said improvements, and by K.S.A. 12-6a14(c) and (d) to issue bonds and temporary notes in payment of the same.

SECTION 5: That this Ordinance shall take effect and be in force from and after its passage and its publication in an official City newspaper, as provided by law.

PASSED and APPROVED This 22nd day of October, 1980.



Dale Lybarger
Mayor

A T T E S T:



Joyce E. Martin
City Clerk

AN ORDINANCE AMENDING THE LIQUOR REGULATIONS OF THE CITY OF GARNETT; AMENDING TITLE 5, CHAPTER 10, SECTION 4 OF THE MUNICIPAL CODE; ESTABLISHING DAYS AND HOURS OF SALE FOR RETAILERS OF ALCOHOLIC LIQUOR BY THE PACKAGE; AND REPEALING THE 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 of the City of Garnett, Kansas, is hereby amended to read as follows:

5-10-4: SALE AT RETAIL; FORBIDDEN ON CERTAIN DAYS; HOURS OF SALE: No retailer of alcoholic liquor by the package shall sell at such alcoholic liquor: (1) On the day of any national, state, county, or city election, including primary elections, during the hours the polls are open within the City; (2) On the first day of the week, commonly called Sunday; (3) On Decoration or Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day; and (4) Before 9:00 a.m. or after 9:00 p.m. on any day when the sale is permitted, except on Saturdays and the night before any of the holidays aforesaid, and in addition thereto on December 31st of each year, in which cases sales shall be permitted to continue until the hour of 11:00 p.m. of said days.

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

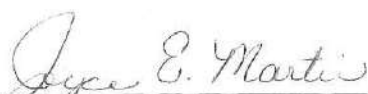
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 26th day of November, 1980.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2572

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 1980 BUDGET TO INCREASE EXPENDITURE CEILINGS FOR THE AIRPORT, LAW ENFORCEMENT AND GAS UTILITY FUNDS.

WHEREAS, Notice of Public Hearing has been duly and regularly given pursuant to resolution of this Governing Body; and

WHEREAS, At a public hearing convened and held at City Hall on the 22nd day of December, 1980, it was considered and found to be advisable to increase the present expenditure ceilings in the Airport, Law Enforcement and Gas Utility Funds as provided in said resolution and notice.

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

SECTION 1: The Airport Fund is hereby amended to increase the expenditure ceiling from \$17,340.00 to \$22,340.00.

SECTION 2: The Gas Utility Fund is hereby amended to increase the expenditure ceiling from \$630,221.00 to \$730,221.00.

SECTION 3: The Law Enforcement Fund is hereby amended to increase the expenditure ceiling from \$114,713.00 to \$129,713.00.

SECTION 4: That these amendments are made pursuant to the authority contained in the Kansas Budget Law to amend public budgets K.S.A. 79-2925, et seq. and shall take effect and be in force from and after the passage of this Ordinance and publication thereof one(1) time in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 22nd day of December, 1980.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2574

AN ORDINANCE INCORPORATING BY REFERENCE THE "NATIONAL ELECTRICAL CODE" EDITION OF 1981, PROVIDING FOR ADDITIONAL REGULATION AND REPEALING TITLE 4, CHAPTER 1, SECTION 2 OF THE MUNICIPAL CODE, CITY OF GARNETT, KANSAS.

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


Section 1. NATIONAL ELECTRICAL CODE ADOPTED; INCORPORATION BY REFERENCE. The National Electrical Code, Edition of 1981, as prepared and published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, is hereby adopted and incorporated by reference as the electrical wiring code regulating and governing all electrical work covered by permits and as required by Title 4, Chapter 1, Section 1 of this Code. Compliance with the provisions of the said National Electrical Code shall be considered as meeting the requirements of this Title for the placing or installing of all electric lights, heat and power wires, fixtures, appliances, conductors, apparatus, and their supports, in or upon any building, or other structures within the limits of this City, except as this Chapter may provide for such additional regulation. All such work shall be subject to inspection and approval by the electrical inspector of the City of Garnett.

Section 2. COPIES TO BE AVAILABLE. Not less than three (3) copies of said National Electrical Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 2574" and to which shall be attached a copy of this Ordinance, and filed with the City Clerk, to be open to inspection and available to the public at all reasonable hours.

Section 3. REPEAL. Title 4, Chapter 1, Section 2 of the Municipal Code of the City of Garnett, Kansas, and all other municipal enactments in conflict with this Ordinance, are hereby repealed.

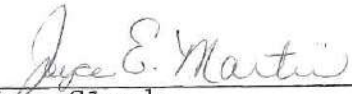
Section 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED by the City Commission this 14th day of January, 1981.



Mayor

Attest:



City Clerk

AN ORDINANCE RELATING TO THE DRILLING AND OPERATION OIL AND GAS WELLS WITHIN THE CITY OF GARNETT, KANSAS.

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

SECTION 1. Drilling Oil and Gas Wells; Duty of Governing Body. All oil and gas wells hereafter commenced or drilled within the City Limits of the City of Garnett, shall be drilled as nearly as practicable in the center of a ten (10) acre square geographical location; Provided, That the Governing Body of said city, at the time of the granting of the license hereinafter provided for, may permit such variations as may be deemed necessary in the amount of acreage required, and the location of the drill site, depending upon geographical factors, upon the location of houses and other buildings, and the area available which might be attributed to such proposed well.

SECTION 2. License and Permit; Fee. It shall be unlawful for any person, firm, or corporation to drill or commence operations for the drilling of a well for oil and gas purposes at any place within the City Limits of the City of Garnett, without first having obtained from the Governing Body of said city a license or permit for the commencement of such operations, and for the drilling of such well. The applicant for such permit shall, at the time of making application therefore, deposit with the City Clerk a fee of \$100.00 and in the event such permit is granted, said fee shall be retained by the City, but if such permit is denied, said fee shall be returned to the applicant.

SECTION 3. Evidence to be Presented by Licensee. No such permit shall be granted by the Governing Body until the application therefor shall have submitted satisfactory evidence as follows:

(a) That the applicant has a valid oil and gas lease or leases, signed by the person owning at least fifty-one per cent (51%) of the territory in the area attributable to or which might be attributed to the location where it is proposed to drill said well, which said lease shall contain a provision or shall be accompanied by an agreement in writing providing for the pooling of all royalties and rentals arising from said leases or from production on said acreage to be distributed among all of the property owners in the area or territory attributable to the well or wells which may be drilled under said lease, which said distribution shall be made to the respective property owners, including leasing property owners and non-leasing property owners, in accordance with the number of square feet owned by each property owner in said area or territory.

(b) A map or plat of the area covered by said oil and gas lease, showing the proposed location of each well, together with the written consent of the owner of the land on which said well is proposed to be located, consenting to the drilling of said well on said land, which said map or plat shall also show the location of all residences, buildings, and other structures in the immediate vicinity of such proposed location.

(c) A drilling agreement providing adequate protection to all persons who might be concerned with such drilling operations, including a reasonable and adequate plan for the handling of slush, base sediment, and salt water that may be produced in connection with the drilling and operation of said well, together with facilities for the handling of production to the end that it may not be necessary to store oil in any populated area, which said agreement shall also provide that in the event said well is non-productive, all tools, equipment, and machinery used in connection with the drilling of said well shall be removed within sixty (60) days thereafter, and the premises fully restored to their original condition as nearly as practicable.

SECTION 4. Insurance of Operator. No such permit shall be granted by the Governing Body and no oil or gas well shall be drilled or operated within the City of Garnett, Kansas, until the operator shall have filed with the City Clerk of said city a certification of insurance insuring the operator against bodily injury to persons in an amount not less than \$100,000.00 for each person and \$300,000.00 for each accident and insuring said operator against damages to property in an amount not less than \$100,000.00 for each accident and further insuring said operator against bodily injury from motor vehicle and trucking operations in an amount not less than \$100,000.00 for each person and \$300,000.00 for each accident and against property damage by reason of motor vehicle and trucking operations in an amount not less than \$100,000.00 for each accident. Evidence of such insurance shall be kept on file with the City Clerk of said city continuously so long as any such well or wells are being drilled or operated within said city.

SECTION 5. Mapping; Locations. The Governing Body of said city may from time to time and shall upon the application of any interested person, make a determination of the territory which is to be included in each drilling location within the limits of said city, which said determination shall follow the standard 10 acre geographical locations as nearly as practicable, but in making such determination said Governing Body shall not be required to split or divide any platted lot or lots, and the area or territory to be attributed to the well or wells under a particular lease or leases shall be the territory described in the drilling permit issued therefor.

SECTION 6. Fences. From and after the effective date of this Ordinance, all producing oil or gas wells within the City of Garnett, Kansas, which are equipped with pumping equipment and are located in or near the populated areas of said city, shall have such pumping equipment enclosed or fenced with a substantial mesh wire fence or such other type of enclosure as may be approved by the Governing Body of said city, sufficient to prevent persons who might be injured thereby from gaining access to such pumping equipment.

SECTION 7. Governing Body May Make Additional Requirements. At the time of the granting of any permit or license under the provisions of this Ordinance, the Governing Body may make such additional requirements as it may deem necessary for the protection and safety of persons and property in the territory likely to be affected by the drilling of said well.

SECTION 8. Unlawful to Drill Wells Without License. It shall be unlawful to commence operations for the drilling of a well or to conduct any such drilling operations within the City Limits of the City of Garnett, without first having obtained the license provided for in this article.

SECTION 9. Storage of Oil. It shall be unlawful for any person to place or maintain any tank or tank battery for the storage of oil in the City of Garnett, Kansas, except outside of the populated areas of the city. All such tanks or tank batteries shall be protected by dikes of sufficient height to prevent oil from escaping in the event of the leaking or bursting of said tanks.

SECTION 10. Pipe Lines in Streets. It shall be unlawful for any person to lay or maintain any pipe or pipe lines for the transportation of oil or any other substance in the streets, alleys, or other public places of the city without having first obtained a franchise ordinance granting permission so to do. All such pipe lines shall thereafter be laid, maintained, and operated in accordance with the terms of said franchise.

SECTION 11. Penalty. Any person, firm, or corporation hereafter drilling or commencing operations for the drilling of any oil or gas well in violation of the provisions of this article, or thereafter pumping or operating any well drilled in violation of this article shall, upon conviction thereof, be punished by a fine of not less than \$100.00 or more than \$500.00, or by imprisonment in the City Jail for not more than thirty (30) days, or by both such fine and imprisonment and each day's violation of this article shall be deemed a separate offense.


SECTION 12. Saving Clause. If any section, sub-section, sentence, clause, or other part of this article shall be held to be invalid or inoperative for any reason, such invalidity shall not be deemed to effect the remaining provisions of this article.

PASSED and APPROVED this 14th day of January, 1981.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2577

AN ORDINANCE ESTABLISHING NEW RATES AND CHARGES FOR CERTAIN CLASSES OF USE OF THE ELECTRIC UTILITY WITHIN THE CITY OF GARNETT, KANSAS AND AMENDING TITLE 4, CHAPTER 4, SECTION 4, SUBSECTIONS (A) THROUGH (D), INCLUSIVE, OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS; PROVIDING AN EFFECTIVE DATE; AND REPEALING EXISTING SUB-SECTIONS 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 4, Subsections (A) through (D), inclusive, of the Municipal Code of the City of Garnett, Kansas is hereby amended to read as follows:

(A) Residential Service - Standard:

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

Customer Charge: \$2.50 per month

Energy Charge:

First	80 kWh per mo. at \$.060 per kWh
Next	920 kWh per mo. at \$.057 per kWh
Over	1,000 kWh per mo. at \$.055 per kWh

2. Energy purchased under this classification shall be subject to fuel and purchased energy cost adjustment as set out in this Ordinance, and twenty percent (20%) surcharge as provided in Ordinance No. 2035, 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) Residential Service - All Electric Home:

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

Customer Charge \$2.75 per month

Energy Charge:

First	80 kWh per mo. at \$.060 per kWh
Next	920 kWh per mo. at \$.055 per kWh
Over	1,000 kWh per mo. at \$.052 per kWh

2. Energy purchased under this classification shall be subject to fuel and purchased energy cost adjustment as set out in this Ordinance, and a twenty percent (20%) surcharge as provided in Ordinance No. 2035, 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) Small General Service:

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

Customer Charge: \$3.00 per month

Energy Charge:

First	80 kWh per mo. at \$.060 per kWh
Next	920 kWh per mo. at \$.056 per kWh
Over	1,000 kWh per mo. at \$.054 per kWh

2. Energy purchased under this classification shall be subject to fuel and purchased energy cost adjustment as set out in this Ordinance, and twenty per cent (20%) surcharge as provided in Ordinance No. 2035, 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.

(D) Large General Service:

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

Customer Charge: \$4.50 per month

Energy Charge:

First	1,000 kWh per mo. at \$.050 per kWh
Over	1,000 kWh per mo. at \$.047 per kWh

Demand Charge: For each kW of billing demand per mo., \$2.00 per kW

2. Energy purchased under this classification shall be subject to fuel and purchased energy cost adjustment as set out in this Ordinance, and twenty per cent (20%) surcharge as provided in Ordinance No. 2035, as applicable.

3. 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.

4. For the purposes of this classification, the term "billing demand" for any month shall be the maximum thirty (30) minute intergrated kiloWatt demand in the month, but not less than eighty per cent (80%) of the highest metered demand established during the preceding eleven (11) months; provided, however, that whenever the power factor is less than eighty per cent (80%) lagging during any month, the demand for that month shall be determined on the basis of eighty per cent (80%) of the metered kilovolt ampere demand.

SECTION 2: Title 4, Chapter 4, Section 4, Subsections (A) - (D), inclusive, of the Municipal Code of the City of Garnett, Kansas, as the same presently exist are hereby repealed.

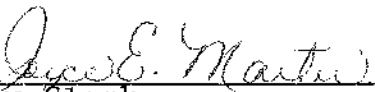
SECTION 3: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after February 1, 1981, and after its publication in an official newspaper of the City of Garnett.

PASSED and APPROVED This 28th day of January, 1981.



Mayor

Attest:



City Clerk

ORDINANCE NO. 2580

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: STANDARD RATE: All gas sold by the City of Garnett to each classification of user above established shall be charged for at the rate of \$2.79 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, 1981, and after its publication in an official City newspaper.

PASSED and APPROVED this 8th day of April, 1981.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2581

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 one year; 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 \$5,023.92, incurred through December 31, 1980 are hereby deleted from the City's accounting records.

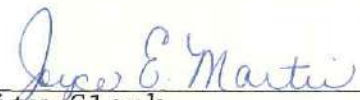
Section 2. That this Ordinance shall take effect from and after its publication in the official city paper.

PASSED and APPROVED this 8th day of April, 1981.



Mayor

ATTEST:



City Clerk

Attachment to Ordinance No. 2581

Barbara Bland	\$135.09
Annette Watt	68.39
Marilyn Nickel	30.98
Bill Green	183.96
Richard Francis	61.89
Stan Boyd	163.39
Gerald J. Dienstl	30.00
Robert Barker	146.93
David Nutt	66.30
Bradley Person	45.96
Howard Loudabarger	20.46
Don Cole	125.52
George Schmoe	289.21
Jerry B. Eager	27.23
Steve Martin	16.27
Kathryn Waddell	53.18
Dale C. Akins	20.15
John Shirah	71.43
Terry Warmouth	28.24
Don Walton	24.39
Deborah Qualls	245.02
Maurice J. Wilson	144.67
Bill Hermreck	78.04
Fred E. White	253.40
Jackie Murray	139.81
F. G. Glisson	177.47
Louise Gammons	93.97
William Tennison	46.07
Floyd Dickerson	47.35
Marica Leonhard	51.79
Fred Carter	177.43
Donald Dailey	193.24
Calvin Pittman	86.35
Gene Gardner	27.76
Debbie Powers	125.97
David Lee	26.07
Jeff Norris	223.91
Jackie Murray	137.07
Charles Chrisawn	188.64
Bruce Cox	291.04
Ronnie McCain	659.88

Total \$5,023.92

AN ORDINANCE CONCERNING THE USE OF WATER DURING EMERGENCIES, ESTABLISHING PROCEDURES, FIXING PRIORITIES IN USAGE, AND PRESCRIBING CERTAIN PENALTIES.

WHEREAS, There are now incipient and may hereafter be actual severe drought conditions to the extent that the water supply of the City of Garnett will be substantially and materially reduced, thereby creating an actual water emergency; and

WHEREAS, The imminence of such conditions require, for the protection of the citizens and water users of the City of Garnett, the enactment of procedures to insure water conservation in times of actual water emergency; and

WHEREAS, It is found to be in the best interests of the City that a plan of progressive restrictions on the use of water be formulated for imposition at a later time as the severity of any water emergency may then require.

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

SECTION 1: Definitions and classifications:

- a. "Water", as the term is used in this Ordinance, shall mean water available to the City of Garnett for treatment or any treated water introduced by the City of Garnett into its water distribution system, including water offered for sale at any coin-operated site.
- b. "Consumer", as the term is used in this Ordinance, 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.
- c. The following classes of uses of water are established:

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.

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.

Class 3:

General domestic usage, other than uses which would be included in either Classes 1 or 2.

Class 4:

Water necessary to sustain human life and maintain minimum standards of hygiene and sanitation.

SECTION 2: The City reserves the right to restrict or prohibit the use of water, including untreated water, or to restrict and specify the purposes for which it may be used or the times at which it may be sold or used whenever the Governing Body determines a water emergency to exist. A water emergency shall be declared by resolution by the Governing Body and before any restrictions or prohibitions shall become effective such resolution shall be publicized not less than by one (1) insertion in an official City newspaper as a legal notice and may be publicized additional through the general news media or any other appropriate method for making such resolution public.

SECTION 3: At such times as a water emergency is by resolution declared actually to exist:

- a. One or more of the classes of water usage, as defined herein, may be restricted or prohibited, wholly or in part;
- b. The taking or use of water by any person, group of person, association, joint venture, partnership, or corporation, other than the City of Garnett for its own uses, from Lake Garnett or Crystal Lake, or either lake, may be prohibited;
- c. Sales of water at coin-operated sites of facilities may be restricted or prohibited wholly or in part;
- d. Water sold and delivered to any consumer at regular rates, as provided by the Municipal Code and ordinances of the City of Garnett, may be limited to four thousand (4,000) gallons per customer for each monthly billing period and a charge of Fifteen Dollars (\$15.00) per thousand (1,000) gallons (or fraction thereof) sold and delivered to any such consumer in excess thereof imposed and added to the consumer's regular monthly bill; and such additional charge shall be collectible in the manner provided for other utility charges; provided, however, nothing in this paragraph shall be construed to permit any consumer to use water in violation of any restrictions or prohibitions placed upon any class of use; or
- e. Any combination of the foregoing may be put into effect;

and any such of the foregoing restrictions or limitations imposed shall be specified and set forth in detail in any water emergency resolution or amendment to any such resolution.

SECTION 4: During the effective period of any water emergency resolution or any amendment thereto passed, publicized, and made effective, as by this Ordinance provided, the City Manager or his delegate is empowered to promulgate such regulations as may be

necessary to carry out the provisions of this Ordinance and any water emergency resolution, or amendment thereof; such regulations shall be subject to approval by the Governing Body at its next regular meeting occurring after the promulgation and imposition of such regulations, but such regulations shall be fully effective unless and until modified by the Governing Body.

SECTION 5: The provisions of this Ordinance shall be severable, and in the event any part or parts hereof are declared unconstitutional by a court having jurisdiction, such decision shall not affect the remaining part or parts hereof, which shall continue in full force and effect.

SECTION 6: Any person violating any provisions of this Ordinance, of any resolution declaring an actual water emergency, or any administrative regulation promulgated under Section 4 of this Ordinance shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined not less than Fifty Dollars (\$50.00), and such person may, in addition to such fine, be imprisoned in the City Jail for a period not to exceed thirty (30) days; and upon a second or subsequent conviction hereunder, shall be fined not less than One Hundred Dollars (\$100.00) and shall be imprisoned in the City Jail for a period not to exceed thirty (30) days and no motion for probation, parole, or stay of execution of sentence, or any other relief the effect of which would be to permit mitigation of such sentence shall be heard until at least five (5) consecutive days thereof have been served. Each day's violation shall constitute a separate offense.

SECTION 7: Neither the imposition of any surcharge nor imposition of criminal penalties nor any other sanction imposed under this Ordinance shall abridge the right of the City of Garnett to enforce the provisions of this Ordinance, any water emergency resolution, or applicable administrative regulations, or to prevent the waste of water by seeking and obtaining injunctive relief.

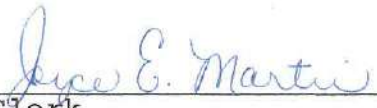
SECTION 8: This Ordinance shall take effect and be in force from and after its passage and its publication in an official City newspaper.

PASSED and APPROVED, This 8TH day of April, 1981.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2583

AN ORDINANCE AMENDING THE REGULATIONS FOR USE OF THE GARNETT MUNICIPAL CEMETERY; REQUIRING MINIMUM STANDARDS FOR BURIAL CONTAINERS.

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

SECTION 1: No interment in the Garnett Municipal Cemetery 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-piece reinforced concrete box shall be considered the minimum enclosure meeting this requirement.

SECTION 2: This Ordinance shall be deemed to be supplementary to and amendatory of the existing regulations for use of the Garnett Municipal Cemetery and shall, upon codification, be designated Title 9, Chapter 7, Section 16, Subsection M.

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 8TH day of April, 1981.



Mayor

A T T E S T:



City Clerk

=====

ORDINANCE NO. 2584

OF THE

CITY OF GARNETT, KANSAS

ADOPTED April 15, 1981

\$1,540,000

ELECTRIC SYSTEM REVENUE BONDS

SERIES 1981

=====

ORDINANCE NO. 2584 OF THE CITY OF GARNETT, KANSAS

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(PUBLISHED IN THE GARNETT REVIEW ON April 20, 1981)

ORDINANCE NO. 2584

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE OF \$1,540,000 PRINCIPAL AMOUNT OF ELECTRIC SYSTEM REVENUE BONDS, SERIES 1981, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF IMPROVEMENTS, EXTENSIONS AND ENLARGEMENTS OF ITS ELECTRIC SYSTEM; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUES OF THE ELECTRIC SYSTEM OF THE CITY FOR THE PURPOSE OF PAYING THE COST OF OPERATION AND MAINTENANCE OF SAID SYSTEM, PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS, AND PROVIDING REASONABLE AND ADEQUATE RESERVE FUNDS; AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO.

WHEREAS, the City of Garnett, Kansas, a municipal corporation and City of the second class duly created, organized and existing under the laws of the State of Kansas (herein referred to as the "City"), now owns and operates a revenue producing electric system serving the City and its inhabitants; and

WHEREAS, pursuant to the provisions of K.S.A. 10-1201 to 10-1212, inclusive, and all amendments thereof (herein referred to as the "Act"), the governing body of the City has heretofore caused to be published in the official paper of the City a notice of the intention of the City to make repairs, alterations, extensions, reconstructions, enlargements and improvements to the electric system owned by the City at a cost not exceeding \$1,540,000, and to issue revenue bonds of the City in a principal amount not exceeding \$1,540,000 to provide funds for the payment of the cost thereof; and

WHEREAS, within 15 days after the publication of said notice, no written protest was filed with the City Clerk of the City against such repairs, alterations, extensions, reconstructions, enlargements and improvements or against the issuance of said revenue bonds; and

WHEREAS, the governing body of the City has caused plans and specifications for said repairs, alterations, extensions, reconstruction, enlargements and improvements to the City's electric system and an estimate of the cost thereof to be made by the City's consulting engineers and the same are hereby accepted and approved and are on file in the office of the City Clerk, the amount of said estimated cost being \$1,540,000; and

WHEREAS, none of the bonds so authorized pursuant to the Act have heretofore been issued, and it is hereby found and determined that it is necessary that the City issue and deliver forthwith its electric system revenue bonds in the principal amount of \$1,540,000 for the purpose of paying the cost of said repairs, alterations, extensions, reconstruction, enlargements and improvements as hereinafter provided;

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

ARTICLE I

AUTHORIZATION OF BONDS

Section 101. Authorization of the Series 1981 Bonds. There is hereby authorized and directed to be issued a series of Electric System Revenue Bonds, Series 1981, of the City of Garnett, Kansas, in the principal amount of \$1,540,000 (herein called the "Series 1981 Bonds"), for the purpose of providing funds to pay the cost of improvements, extensions and enlargements of its electric system.

Section 102. Security for the Bonds. The Series 1981 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 revenues derived by the City from the rates, fees or charges collected by the City from the operation of its electric system, including revenues derived from improvements, extensions and enlargements to said system hereafter constructed or acquired by the City, and not from any other fund or source. The Bonds shall be junior and subordinate with respect to the payment of principal and interest and in all other respects to a series of Electric Light Plant and System Revenue Bonds, Series of 1971, of the City, dated August 1, 1971 (hereinafter referred to as the "Series 1971 Bonds"), and shall be on a parity with a series of Electric Light Plant and System Revenue Bonds, Series of 1978 (hereinafter referred to as the "Series 1978 Bonds"), of the City, issued September 1, 1978. The Series 1981 Bonds are additionally secured by a Municipal Bond Guaranty Insurance Policy issued by the Municipal Bond Insurance Association, the premium of \$32,000 for said policy is hereby authorized to be paid by the City from the proceeds of the sale of the Series 1981 Bonds. The Series 1981 Bonds shall not be or constitute a general obligation of the City, nor shall they constitute an indebtedness of the City within the meaning of any constitutional, statutory or charter provision, limitation or restriction, and the City shall not have any right or authority to levy taxes to pay any of the principal of or interest on the Bonds.

Section 103. Description and Details of the Series 1981 Bonds; Designation of Paying Agent. The Series 1981 Bonds shall consist of negotiable coupon bonds, numbered from 1 consecutively

upward in the denomination of \$5,000 each. All of the Series 1981 Bonds shall be dated March 1, 1981, shall become due serially on November 1 in the years, and shall bear interest from the date thereof, as follows:

SERIAL BONDS

<u>Maturity</u> <u>November 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>
1981	\$ 15,000	9%
1982	15,000	9%
1983	20,000	9%
1984	20,000	9%
1985	20,000	9%
1986	25,000	9%
1987	25,000	9.75%
1988	30,000	9.75%
1989	30,000	9.75%
1990	35,000	9.75%
1991	40,000	9.75%
1992	45,000	9.75%
1993	50,000	9.75%
1994	55,000	9.75%
1995	60,000	9.75%

TERM BONDS

<u>Maturity</u> <u>March 1</u>	<u>Principal</u> <u>Amount</u>	<u>Annual Rate</u> <u>of Interest</u>
2005	\$1,055,000	10.40%

Interest on the Series 1981 Bonds at the rates aforesaid shall be payable semiannually on May 1 and November 1 in each year, beginning on November 1, 1981. Both principal of and interest on the Series 1981 Bonds shall be payable in lawful money of the United States of America, at Security National Bank, in the City of Kansas City, Kansas, said bank being hereby designated as the City's fiscal agent for the purpose of providing for the payment of principal of and interest on the Series 1981 Bonds (herein called the "Paying Agent").

Section 104. Execution and Delivery of the Series 1981 Bonds. Each of the Series 1981 Bonds shall be signed by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk and shall have the corporate seal of the City affixed thereto or imprinted thereon. Interest coupons shall be attached to the Bonds representing the interest to mature thereon, and said interest coupons

shall bear the facsimile signatures of the Mayor and City Clerk. The Mayor and City Clerk are hereby authorized and directed to prepare and execute the Series 1981 Bonds as hereinbefore provided, and to cause the Bonds to be registered as provided by law, and when duly executed and registered, to deliver the Series 1981 Bonds to Merrill Lynch, White, Weld, Kansas City, Missouri, the original purchaser of the Series 1981 Bonds, upon payment of the purchase price thereof.

ARTICLE II

REDEMPTION OF BONDS

Section 201. Redemption and Payment of Series 1981 Bonds Prior to Maturity. The Series 1981 Bonds shall be subject to redemption and payment prior to the stated maturity thereof after the notice specified in Section 202 hereof, as follows: Bonds maturing in the years 1981 to 1990, inclusive, shall become due without option of prior payment. At the option of the City, Series 1981 Bonds maturing in the years 1991 to 2005, inclusive, and each of said Series 1981 Bonds, may be called for redemption and payment prior to maturity on November 1, 1990, or on any interest payment date thereafter, in inverse numerical order, at the redemption prices (expressed as percentages of principal amount) set forth below, plus accrued interest thereon to the date of redemption:

<u>Redemption Period</u> <u>(Dates Inclusive)</u>	<u>Redemption</u> <u>Price</u>
November 1, 1990 to April 30, 1991	102-1/2%
May 1, 1991 to October 31, 1991	102-1/4%
November 1, 1991 to April 30, 1992	102%
May 1, 1992 to October 31, 1992	101-3/4%
November 1, 1992 to April 30, 1993	101-1/2%
May 1, 1993 to October 31, 1993	101-1/4%
November 1, 1993 to April 30, 1994	101%
May 1, 1994 to October 31, 1994	100-3/4%
November 1, 1994 to April 30, 1995	100-1/2%
May 1, 1995 to October 31, 1995	100-1/4%
November 1, 1995 and thereafter	100%

If any Series 1981 Bond be called for redemption and payment as aforesaid, all interest on such Series 1981 Bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Each of the Series 1981 Bonds maturing on November 1, 2005, shall also be subject to mandatory redemption and payment in specified annual amounts pursuant to the terms of the sinking

fund hereinafter referred to on November 1, 1996, and on each November 1 thereafter, at the principal amount thereof, plus accrued interest thereon to date fixed for redemption and payment, without premium. As and for a sinking fund for the retirement of Bonds, the moneys specified in Section 503b(ii) of this Ordinance which are to be deposited in the Principal and Interest Account hereinafter created fifteen days shall be sufficient to redeem (after credit as hereinafter provided) and the City hereby agrees to redeem the following principal amounts of Series 1981 Bonds on November 1 in each of the following years:

<u>Principal Amount</u>	<u>Year</u>
\$ 65,000	1996
70,000	1997
80,000	1998
85,000	1999
95,000	2000
105,000	2001
120,000	2002
130,000	2003
145,000	2004
160,000	2005

Series 1981 Bonds to be redeemed and paid pursuant to this paragraph shall be selected by the Paying Agent in such equitable manner as it may determine.

The Paying Agent shall, each year in which Series 1981 Bonds are to be redeemed pursuant to the terms of the sinking fund, make timely selection of the Series 1981 Bonds to be so redeemed and shall give notice thereof as provided in Section 202 of this Ordinance without further instruction from the City or Tenant.

Section 202. Notice of Redemption. In the event that the City shall elect to so redeem and pay any of said Series 1981 Bonds prior to the maturity thereof, the City shall publish once in the official State paper of the State of Kansas and once in a financial journal published in the City of New York, New York, a notice of the intention of the City to redeem and pay said Bonds on a specified date, the same being described by number and maturity, said notice to be published at least 30 days prior to the date fixed for redemption. The City shall also give written notice of its intention to redeem and pay said Bonds on a specified date, the same being described by number and maturity, said notice to be given by United States registered mail addressed to the Paying Agent and to the original purchaser of the Series 1981 Bonds and to be mailed at least 30 days prior to the date fixed for redemption.

ARTICLE III

FORM OF BONDS

Section 301. Form of Bonds. Each of the Series 1981 Bonds and the interest coupons to be attached thereto shall be in substantially the following form:

(FORM OF COUPON BOND)

No. _____

\$5,000

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF ANDERSON

CITY OF GARNETT, KANSAS

ELECTRIC SYSTEM REVENUE BOND
SERIES 1981

KNOW ALL MEN BY THESE PRESENTS: That the City of Garnett, a municipal corporation in the County of Anderson, State of Kansas (herein called the "City"), for value received, hereby promises to pay to the bearer hereof, the principal sum of

FIVE THOUSAND DOLLARS

on the First day of November, ____, and to pay interest thereon from the date hereof at the rate of _____ percent (____%) per annum, payable semiannually on May 1 and November 1 in each year, beginning on November 1, 1981, until said principal sum shall have been paid, upon presentation and surrender of the respective interest coupons hereto attached as said coupons severally become due. Both principal and interest are payable solely from the revenues derived by the City from the operation of the electric system as hereinafter provided. Both principal of and interest on this Bond are payable in lawful money of the United States of America at Security National Bank, in the City of Kansas City, Kansas (the "Paying Agent").

At the option of the City, Bonds of the series of which this Bond is one maturing in the years 1991 to 2005, inclusive, and each of said Bonds, may be called for redemption and payment prior to maturity on November 1, 1990, or on any interest payment date thereafter, in inverse numerical order, at the redemption prices (expressed as percentages of principal amount) set out below, plus accrued interest thereon to the date of redemption:

<u>Redemption Period</u> <u>(Dates Inclusive)</u>	<u>Redemption</u> <u>Price</u>
November 1, 1990 to April 30, 1991	102-1/2%
May 1, 1991 to October 31, 1991	102-1/4%
November 1, 1991 to April 30, 1992	102%
May 1, 1992 to October 31, 1992	101-3/4%
November 1, 1992 to April 30, 1993	101-1/2%
May 1, 1993 to October 31, 1993	101-1/4%
November 1, 1993 to April 30, 1994	101%
May 1, 1994 to October 31, 1994	100-3/4%
November 1, 1994 to April 30, 1995	100-1/2%
May 1, 1995 to October 31, 1995	100-1/4%
November 1, 1995 and thereafter	100%

Each of the Series 1981 Bonds maturing on November 1, 2005, is also subject to mandatory redemption and payment in specified annual amounts pursuant to the terms of the sinking fund provided for in the Ordinance authorizing the Series 1981 Bonds (herein called the "Ordinance"), on November 1, 1996, and on each November 1 thereafter at the principal amount thereof plus accrued interest to the redemption date, without premium.

Notice of the City's intention to redeem and pay Series 1981 Bonds pursuant to the redemption provisions aforesaid, shall be published once in the official State paper of the State of Kansas and once in a financial journal published in the City of New York, New York, the same being described by number and maturity, said notice to be published at least 30 days prior to the date fixed for redemption. The City shall also give written notice of its intention to redeem and pay said Bonds on a specified date, the same being described by number and maturity, said notice to be given by United States registered mail addressed to the Paying Agent and to the original purchaser of the Bonds and to be mailed at least 30 days prior to the date fixed for redemption. If any Bond be called for redemption and payment as aforesaid, all interest on said Bond shall cease from and after the date for which such call is made, provided funds are available for the payment of said Bond at the price hereinbefore specified.

THIS BOND is one of a duly authorized series of negotiable coupon bonds of the City designated "Electric System Revenue Bonds, Series 1981" (the "Series 1981 Bonds"), of like date, denomination and tenor, excepting number, interest rate, privilege of redemption and maturity, aggregating the principal amount of \$1,540,000, issued by the City for the purpose of providing funds to pay the cost of improvements, extensions and enlargements of its electric system, by the authority of and in full

compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-1201 to 10-1212, inclusive, and all amendments thereof, and all other provisions of the laws of said State applicable thereto, and pursuant to the Ordinance duly adopted by the governing body of the City.

THE SERIES 1981 BONDS are special obligations of the City payable solely from, and secured as to the payment of principal and interest by a pledge of, the revenues derived by the City from the rates, fees or charges collected by the City from the operation of its electric light plant and system, including revenues derived from improvements, extensions and enlargements to said system hereafter constructed or acquired by the City, and not from any other fund or source. The Series 1981 Bonds are junior and subordinate with respect to the payment of principal and interest and in all other respects to a series of Electric Light Plant and System Revenue Bonds of the City, Series of 1971, dated August 1, 1971, and on a parity with a series of Electric Light Plant and System Revenue Bonds, Series of 1978, dated September 1, 1978. The payment of principal and interest on Series 1981 Bonds is additionally secured by a Municipal Bond Guaranty Insurance Policy issued by the Municipal Bond Insurance Association. 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, and the City shall not have any right or authority to levy taxes to pay any of the principal of or interest on the Series 1981 Bonds. Under the terms and conditions set forth in the Ordinance, the City has the right to issue additional parity bonds payable from the same source and secured by the same revenues as the Series 1981 Bonds; provided, however, that such additional bonds may be so issued only in accordance with and subject to the covenants, conditions and restrictions relating thereto set forth in the Ordinance.

THE CITY hereby covenants with the holder of this Bond to keep and perform all covenants and agreements contained in the Ordinance, and the City will fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the electric light plant and system of the City, including all extensions and improvements thereto hereafter constructed or acquired by the City, as will produce revenues sufficient to pay the cost of operation and maintenance of said system, pay the principal of and interest on the Bonds as and when the same become due, and provide reasonable and adequate reserve funds. Reference is made to the Ordinance for a description of the covenants and agreements made by the City with respect to the collection, segregation and application of the revenues of the electric light plant and system of the City, the nature and extent of the security of the Series 1981 Bonds, the rights, duties and obligations of the City with respect thereto, and the rights of the holders thereof.

THIS BOND has been duly registered in the office of the City Clerk of the City and in the office of the State Treasurer of Kansas and this Bond and the interest coupons attached hereto are negotiable and shall be transferable by delivery.

IT IS HEREBY CERTIFIED AND DECLARED that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the Bonds have existed, happened and been performed in due time, form and manner as required by the Constitution and laws of the State of Kansas.

IN WITNESS WHEREOF, the City of Garnett, Kansas, by its governing body has executed this Bond by causing it to be signed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk, and its corporate seal to be affixed hereto or imprinted hereon, and has caused the annexed interest coupons to be executed with the facsimile signatures of said officers, and this Bond to be dated this March 1, 1981.

Mayor

ATTEST:

City Clerk

=====
(FORM OF CITY CLERK'S CERTIFICATE)

STATE OF KANSAS)
) SS.
COUNTY OF ANDERSON)

I, the undersigned, City Clerk of the City of Garnett, Kansas, hereby certify that the within Bond has been duly registered in my office according to law.

WITNESS my hand and official seal this _____.

City Clerk

=====

(FORM OF STATE TREASURER'S CERTIFICATE)

STATE OF KANSAS)
) SS.
COUNTY OF SHAWNEE)

I, the undersigned, State Treasurer of Kansas, hereby certify that a full and complete transcript of the proceedings leading up to the issuance of this Bond has been filed in my office, and that this Bond and the coupons attached thereto were registered in my office according to law this _____.

WITNESS my hand and official seal.

State Treasurer of Kansas

By _____
Assistant State Treasurer

=====

(FORM OF INTEREST COUPON)

(First interest payment due November 1, 1981)

THE CITY OF GARNETT, KANSAS, promises to) On _____ 1,
pay to bearer, solely from the revenues de-)
rived by said City from the operation of)
its electric system, the amount shown hereon)
in lawful money of the United States of)
America, at Security National Bank, in) \$ _____
the City of Kansas City, Kansas, upon pre-)
sentation and surrender of this coupon,)
being interest then due on its ELECTRIC) Bond No. _____
SYSTEM REVENUE BOND, SERIES 1981, dated)
March 1, 1981.) Coupon No. _____

ATTEST: _____ (facsimile)
Mayor

(facsimile)
City Clerk

Registration No. _____

ARTICLE IV

APPLICATION OF BOND PROCEEDS

Section 401. Disposition of Bond Proceeds; Construction Fund. There shall be deposited from the proceeds of the sale of the Series 1981 Bonds to the Bond Reserve Account (hereinafter created) the sum of \$175,000. The balance of the principal amount received from the sale of the Series 1981 Bonds, exclusive of any premium or accrued interest thereon, shall be deposited in a separate fund hereby created in the treasury of the City to be known as the "Electric System Construction Fund of 1981" (herein called the "Construction Fund"), and shall be used by the City for the sole purpose of providing funds to pay the cost of improvements, extensions and enlargements of its electric system, as hereinbefore provided, in accordance with the plans and specifications therefor prepared by the City's consulting engineers heretofore approved by the governing body of the City and on file in the office of the City Clerk, including any alterations in or amendments to said plans and specifications deemed advisable by the City's consulting engineers and approved by the governing body of the City.

Any amount received by the City on account of accrued interest on the Series 1981 Bonds shall be deposited in the Principal and Interest Account.

Section 402. Withdrawals from Construction Fund. Withdrawals from the Construction Fund shall be made only on duly authorized and executed warrant therefor accompanied by a certificate executed by the City's consulting engineers that such payment is being made for a purpose within the scope of this Ordinance and that the amount of such payment represents only the contract price of the property, equipment, labor, materials or service being paid for or if, such payment is not being made pursuant to an express contract, that such payment is not in excess of the reasonable value thereof. Nothing hereinbefore contained shall prevent the payment out of the Construction Fund of all costs and expenses incident to the issuance of the Bonds without a certificate from the City's consulting engineers.

Section 403. Surplus in Construction Fund. Upon completion of the improvements, extensions and enlargements to the electric system of the City as hereinbefore provided, any surplus remaining in the Construction Fund shall be deposited in the Principal and Interest Account.

ARTICLE V

APPLICATION OF REVENUES

Section 501. Electric Utility Fund. The Electric Utility Fund ratified and confirmed for the Series 1971 Bonds and ratified and confirmed for the Series 1978 Bonds for the purpose of handling all revenues and expenses of the electric system owned and operated by the City shall continue, and the City covenants and agrees that so long as any of the Series 1981 Bonds herein authorized remain outstanding and unpaid all of the revenues derived by the City from the operation of its electric system, including all revenues from extensions, enlargements and improvements in and to said electric system hereafter constructed or acquired by the City, will be paid and deposited in said Electric Utility Fund and that the moneys in said Electric Utility Fund will be administered and used solely as hereinafter provided and the same will not be mingled with the other moneys, revenues, accounts or funds of the City.

Section 502. Ratification and Creation of Accounts. There were created by ordinance for the Series 1971 Bonds three separate accounts known respectively as the:

- (a) "Electric System Bond and Interest Account for Bonds dated August 1, 1971" herein sometimes referred to as the "1971 Bond and Interest Account",
- (b) "Electric System Bond Reserve Account for Bonds dated August 1, 1971" herein sometimes referred to as the "1971 Bond Reserve Account",
- (c) "Electric System Surplus Account" herein sometimes referred to as the "Surplus Account",

In addition to the accounts aforesaid, there were created by ordinance for the Series 1978 Bonds three separate accounts to be known respective as the:

- (d) "Electric System Bond and Interest Account for Bonds dated September 1, 1978" herein sometimes referred to as the "1978 Bond and Interest Account",
- (e) "Electric System Bond Reserve Account for Bonds dated September 1, 1978", herein sometimes referred to as the "1978 Bond Reserve Account", and
- (f) "Electric System Depreciation and Replacement Account" herein sometimes referred to as the "Depreciation Account".

There are hereby created for the Series 1981 Bonds three separate accounts of the City to be known respectively as:

- (g) "Electric System Operation and Maintenance Account" (herein called the "Operation and Maintenance Account"),
- (h) "Principal and Interest account for "Electric System Bonds, Series 1981" (herein called the "Series 1981 Bonds Principal and Interest Account"), and
- (i) "Reserve Account for Electric System Bonds, Series 1981" (herein called the "Series 1981 Bond Reserve Account").

The accounts referred to in subsections (a) and (b) aforesaid shall be maintained by the City so long as any of the Series 1971 Bonds remain outstanding. The accounts referred to in subsections (d) and (e) aforesaid shall be maintained and administered by the City as hereinafter provided so long as any of the Series 1978 Bonds remain outstanding. The accounts referred to in subsections (c), (f), (g), (h) and (i) aforesaid shall be maintained and administered by the City as hereinafter provided so long as any of the Series 1981 Bonds remain outstanding.

Section 503. Application of Moneys in Funds and Accounts. The City covenants and agrees that from and after the delivery of the Series 1981 Bonds, and continuing so long as any of the said Series 1981 Bonds shall remain outstanding and unpaid, the City will, on the first day of each month, administer and allocate all of the moneys then held in the Electric Utility Fund as follows:

(a) There shall first be paid and credited on the first day of each month from the Electric Utility Fund to the Operation and Maintenance Account an amount sufficient to pay the estimated cost of operating and maintaining the City's electric system during the ensuing month.

All amounts paid and credited to the Operation and Maintenance Account shall be expended and used by the City solely for the purpose of paying the reasonable and proper expenses of operating and maintaining the electric system of the City and keeping said system in good repair and working order, including, without limiting the generality of the foregoing, salaries, wages, costs of materials and supplies, annual audits, periodic consulting engineers' reports, insurance, and the cost of purchased water, if any.

(b) After making provisions for or paying such funds required to be paid to the accounts specified herein in Section

502 (a) and (b) for the Series 1971 Bonds and Section 502 (d) and (e) for the Series 1978 Bonds, there shall next be paid and credited on the first day of each month from the Electric Utility Fund to the Series 1981 Bonds Principal and Interest Account, to the extent necessary to meet at maturity and redemption prior to maturity thereof the payment of all interest on and principal of the Series 1981 Bonds, the following sums:

(i) Beginning on March 15, 1981, and continuing on the fifteenth day of each month thereafter so long as any of the Series 1981 Bonds shall remain outstanding and unpaid, an amount not less than 1/6 of the amount of interest that will become due on the Series 1981 Bonds on the next succeeding interest payment date;

(ii) Beginning on March 15, 1981, and continuing on the fifteenth day of each month thereafter so long as any of the Series 1981 Bonds shall remain outstanding and unpaid, an amount not less than 1/12 of the amount of principal that will become due on the Series 1981 Bonds on the next succeeding principal payment date; and

(iii) On the first day of each month preceding a month in which fees of the Paying Agent are scheduled to become due, such amounts as may be required to pay such fees of the Paying Agent becoming due in the next month.

All amounts paid and credited to the Series 1981 Bonds Principal and Interest Account shall be expended and used by the City for the sole purpose of paying the interest on and principal of the Bonds as and when the same become due and the fees of the Paying Agent for acting as fiscal agent in the payment of said principal and interest.

If at any time the moneys in the Electric Utility Fund shall be insufficient to make in full the payments and credits at the time required to be made by the City to the principal and interest accounts established by the City to pay the principal and interest on the outstanding electric system revenue bonds of the City, including Series 1978 Bonds, the Series 1981 Bonds and any other electric system revenue bonds of the City hereafter issued and standing on a parity with the Series 1981 Bonds, the available moneys in the Electric Utility Fund shall be divided among such principal and interest accounts in proportion to the respective principal amounts of said series of electric system revenue bonds of the City at the time outstanding which are payable from the moneys in said principal and interest accounts.

The Series 1981 Bond Reserve Account shall at all times aggregate the sum of \$175,000 (hereinafter referred to as the "Bond Reserve Requirement"). In the event the amount on deposit in the Bond Reserve Account shall be less than the Bond Reserve Requirement for any reason after all payments and credits required at the time to be made by the City under paragraphs (a) and (b)(i), (ii) and (iii) of this Section have been made, there shall be deposited in the Bond Reserve Account the amount of \$3,000 per month, commencing the month after notice of such deficiency, and shall continue making such Bond Reserve Deposits until the deficiency is cured. Except as hereinafter provided in this Section, all amounts paid and credited to the Bond Reserve Account shall be expended and used by the City solely to prevent any default in the payment of interest on or principal of the Bonds if the moneys in the Principal and Interest Account are insufficient to pay the interest on or principal of said Bonds as they become due.

Moneys in the Series 1981 Bonds Reserve Account may be used to call the Series 1981 Bonds for redemption and payment prior to their maturity provided all of the Bonds at the time outstanding are called for payment and funds are available to pay the same according to their terms. Moneys in the Bond Reserve Account shall be used to pay and retire the last outstanding Bonds unless such Bonds and all interest thereon be otherwise paid.

If at any time the moneys in the Electric Utility Fund shall be insufficient to make in full the payments and credits at the time required to be made by the City to the bond reserve accounts established by the City to protect the payment of the outstanding electric system revenue bonds of the City, including the Series 1978 Bonds and the Series 1981 Bonds and other electric system revenue bonds of the City hereafter issued and standing on a parity with the Bonds, the available moneys in the Revenue Fund shall be divided among such bond reserve accounts in proportion to the respective principal amounts of said series of electric system revenue bonds of the City at the time outstanding which are payable from the moneys in such bond reserve accounts.

(c) After all payments and credits required at the time to be made by the City under the provisions of paragraphs (a) and (b) of this Section have been made, there shall next be paid and credited on the first day of each month from the Electric Utility Fund to the Depreciation Account the sum of \$1,500 each month until said Account shall aggregate the sum of \$90,000. Moneys in the Depreciation and Replacement Account shall be expended and used by the City, if no other funds are available therefor, solely for the purpose of making emergency replacements and repairs in and to the City's electric system as may be necessary to keep said system in good repair and working order and to assure the continued effective and efficient operation thereof.

After the Depreciation Account aggregates the sum of \$90,000, no further payments into said Account shall be required, but if the City shall ever be required to expend and use a part of the moneys in said Account for its authorized purposes and such expenditure shall reduce the amount of said Account below the sum of \$90,000, then the City shall resume and continue said monthly payments into said Account until said Account shall aggregate the sum of \$90,000.

(d) After all payments and credits required at the time to be made by the City under the provisions of paragraphs (a), (b) and (c) of this Section have been made, all moneys remaining in the Electric Utility Fund shall be paid and credited on the first day of each month to the Surplus Account. Moneys in the Surplus Account may be expended and used for the following purposes as determined by the governing body of the City:

(i) Paying the cost of the operation, maintenance and repair of the City's electric system to the extent that may be necessary after the application of the moneys held in the Operation and Maintenance Account under the provisions of paragraph (a) of this Section;

(ii) Paying the cost of extending, enlarging or improving the City's electric system;

(iii) Preventing default in, anticipating payments into or increasing the amounts in the Series 1981 Principal and Interest Account, the Series 1981 Bond Reserve Account or the Depreciation and Replacement Account referred to in paragraphs (g), (h) and (i) of Section 502, or any one of them, or establishing or increasing the amount of any principal and interest account or bond reserve account created by the City for the payment of any electric system revenue bonds of the City hereafter issued under the conditions hereinafter specified and standing on a parity with the Series 1981 Bonds; or

(iv) Calling, redeeming and paying prior to maturity, or, at the option of the City, purchasing in the open market at the best price obtainable not exceeding the call price (if any bonds are callable), the Series 1981 Bonds or any other electric system revenue bonds of the City hereafter issued under the conditions hereinafter specified and standing of a parity with the Series 1981 Bonds, including principal, interest and premium, if any.

So long as any of the Series 1981 Bonds remain outstanding and unpaid, no moneys derived by the City from the operation of its electric system shall be diverted to the general governmental or municipal functions of the City.

Section 504. Deficiency of Payments into Funds or Accounts. If at any time the revenues derived by the City from the operation of its electric system shall be insufficient to make any payment on the date or dates hereinbefore specified, the City will make good the amount of such deficiency by making additional payments or credits out of the first available revenues thereafter received by the City from the operation of its electric system, such payments and credits being made and applied in the order hereinbefore specified in Section 503 of this Ordinance.

If at any time the moneys in the Series 1981 Principal and Interest Account and in the Series 1981 Bond Reserve Account are not sufficient to pay the principal of and interest on the Bonds as and when the same become due, then moneys in the Surplus Account and the Depreciation and Replacement Account may and shall be used by the City, in that order, to prevent any default in the payment of the principal of and interest on the Bonds.

Section 505. Transfer of Funds to Paying Agent. The Treasurer of the City is hereby authorized and directed to withdraw from the Principal and Interest Account, and, to the extent necessary to prevent a default in the payment of either principal of or interest on the Series 1981 Bonds, from the Series 1981 Bond Reserve Account, the Surplus Account and the Depreciation and Replacement Account as provided in Sections 603 and 604 hereof, sums sufficient to pay the principal of and interest on the Series 1981 Bonds and the fees of the Paying Agent as and when the same become due, and to forward such sums to the Paying Agent not less than 5 days prior to dates when such principal, interest and fees of the Paying Agent will become due. If, through lapse of time, or otherwise, the holders of Bonds or coupons shall no longer be entitled to enforce payment of their obligations, it shall be the duty of the Paying Agent forthwith to return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

ARTICLE VI

DEPOSIT AND INVESTMENT OF FUNDS

Section 601. Deposits of Moneys. Cash moneys in each of the funds and accounts created by and referred to in this Ordinance shall be deposited in a bank or banks located in the State of Kansas which are members of the Federal Deposit Insurance

Corporation, and all such bank deposits shall be continuously and adequately secured by the banks holding such deposits as provided by the laws of the State of Kansas.

Section 602. Investment of Funds. Moneys held in the funds and accounts created by and referred to in this Ordinance may be invested by the City in direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America or such other obligations as may be permitted by law; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund or account was created. All interest on any investments held in any fund or account shall accrue to and become a part of such fund or account. In determining the amount held in any fund or account under any of the provisions of this Ordinance, obligations shall be valued at the principal amount or the market value thereof, whichever is lower. If and when the amount held in any fund or account shall be in excess of the amount required by the provisions of this Ordinance, the City may direct that such excess be paid and credited to the Electric Utility Fund.

Section 603. Arbitrage Covenant. The City covenants and agrees that it will use the proceeds of the Series 1981 Bonds as soon as practicable and with all reasonable dispatch for the purpose for which the Series 1981 Bonds are issued as hereinbefore set forth, and that no part of the proceeds of the Series 1981 Bonds shall be invested in any securities or obligations except for the temporary period pending such use nor 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 Series 1981 Bonds, would have caused any of the Bonds to be or become "Arbitrage Bonds" within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, and the regulations of the Treasury Department thereunder proposed or in effect at the time of such use and applicable to obligations issued on the date of issuance of the Series 1981 Bonds.

ARTICLE VII

PARTICULAR COVENANTS OF THE CITY

The City covenants and agrees with each of the purchasers and owners of any of the Series 1981 Bonds, that so long as any of the Series 1981 Bonds remain outstanding and unpaid:

Section 701. Efficient and Economical Operation. The City will continuously own and will operate its electric system in an efficient and economical manner and will keep and maintain the same in good repair and working order.

Section 702. 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 electric system of the City, including all improvements, extensions and enlargements thereto hereafter constructed or acquired by the City, as will produce revenues sufficient to (i) pay the cost of the operation and maintenance of said system; (ii) pay the principal of and interest on the Series 1971 Bonds, Series 1978 Bonds, and Series 1981 Bonds as and when the same become due; (iii) enable the City to have in each fiscal year net operating revenues from said system in an amount that will be not less than 125% of the amount required to be paid by the City in such fiscal year on account of both principal of and interest on all electric system revenue bonds at the time outstanding; and (iv) provide reasonable and adequate reserves for the payment of the Series 1981 Bonds and the interest thereon and for the protection and benefit of the electric system of the City as provided in this Ordinance. The City will require the prompt payment of accounts for service furnished through its electric system and will promptly take whatever action is legally permissible to enforce and collect delinquent charges.

Section 703. Reasonable Charges for all Services. None of the facilities or services provided by the electric system of the City will be furnished to any user (excepting the City itself) without a reasonable charge being made therefor. In the event that the revenues derived by the City from its electric system shall at any time be insufficient to pay the reasonable expenses of operation and maintenance of said system and also to pay all interest on and principal of the Bonds as and when the same become due, then the City will thereafter pay into the Electric Utility Fund a fair and reasonable payment in accordance with applicable rates, fees and charges for all service or other facilities furnished to the City or any of its departments by said system, and such payments will continue so long as the same may be necessary in order to prevent or reduce the amount of any default in the payment of the interest on or principal of the Series 1981 Bonds.

Section 704. Restrictions on Mortgage or Sale of System. The City will not mortgage, pledge or otherwise encumber its electric system or any part thereof, or any improvement, extension or enlargement thereof, nor will it sell, lease or otherwise dispose of said system or any material part thereof; provided, however, the City may sell any portion of such property which shall have been replaced by other similar property of at least equal value, or which shall cease to be necessary for the efficient operation of said electric system. The proceeds of any such sale or sales shall be paid and deposited into the Electric Utility Fund. The City may cease to operate, abandon or otherwise dispose of any property which has become obsolete, nonproductive or otherwise unusable to the advantage of the City.

Section 705. Insurance. The City will carry and maintain a reasonable amount of fire and extended coverage insurance upon all of the properties forming a part of its electric system insofar as the same are of an insurable nature, such insurance to be of the character and coverage and in an amount as would normally be carried by a private corporation engaged in a similar type of business. In the event of loss or damage, the City will use the proceeds of such insurance in reconstructing and replacing the property damaged or destroyed, or, if such reconstruction or replacement be unnecessary, then the City will pay and deposit the proceeds of such insurance into the Electric Utility Fund. The City in operating its electric system will carry and maintain public liability and workmen's compensation insurance in such amounts as would normally be maintained by a private corporation engaged in a similar type of business, and the proceeds derived from such insurance shall be used in paying the claims on account of which such proceeds were received. The cost of all insurance obtained pursuant to the requirements of this subsection shall be paid as an operating cost out of the revenues of the City's electric system.

Section 706. Books, Records and Accounts. The City will install and maintain proper books, records and accounts (entirely separate from all other records and accounts of the City) in which complete and correct entries will be made of all dealings and transactions of or in relation to the electric system of the City. Such accounts shall show the amount of revenues received from the electric system, the application of such revenues, and all financial transactions in connection therewith. Said books shall be kept by the City according to the accounting principles and practices as required by the State of Kansas in the operation of municipal utilities.

Section 707. Annual Budget. Prior to the commencement of each fiscal year, the director of the City's electric system or other representative of the City designated by the governing body of the City will cause to be prepared and filed with the City Clerk a budget setting forth the estimated receipts and expenditures of the electric system of or the next succeeding fiscal year. The City Clerk, promptly upon the filing of said budget in his office, will mail a copy of said budget to the original purchaser of the Bonds. Said annual budget shall be prepared in accordance with the requirements of the laws of Kansas and shall contain all information as shall be required by such laws.

Section 708. Annual Audit. Annually, promptly after the end of the fiscal year, the City will cause an audit to be made of the electric system of the City for the preceding fiscal year by a certified public accountant or firm of certified public accountants experienced in public utility accounting to be employed for that purpose and paid from the revenues of the electric system. Said annual audit shall include:

(i) A classified statement of the gross revenues received, of the expenditures for operation and maintenance, of the net operating revenues, and of the amount of any capital expenditures made in connection with the system during the previous fiscal year;

(ii) A balance sheet as of the end of each fiscal year, with the amount on hand at the end of such year in each of the funds and accounts created by and referred to in this Ordinance;

(iii) A statement showing the profit or loss for such fiscal year;

(iv) A statement of all bonds which matured or were redeemed during such fiscal year and all interest paid on bonds during such fiscal year;

(v) A statement of the number of customers served by the system at the beginning and also at the end of such fiscal year;

(vi) A statement showing the amount and character of the insurance carried by the City on the property constituting the system and showing the names of the insurers, the expiration dates of the policies, and the premiums thereon; and

(vii) Such remarks and recommendations regarding the City's method of operating the system and its accounting practices as said accountant may deem appropriate.

Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the City Clerk, and a duplicate copy of said audit shall be mailed to the original purchaser of the Bonds. Such audits shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, and user of the services of the electric system of the City, any holder of any of the Bonds, or by anyone acting for or on behalf of such taxpayer, user or bondholder.

If any audit shall disclose that proper provision has not been made for all of the requirements of the law under which the Series 1981 Bonds are issued, and of this Ordinance, the City

covenants and agrees that it will promptly cure such deficiency and that it will promptly proceed to increase the rates, fees and charges for the use and services furnished by the City's electric system as may be necessary to adequately provide for such requirements.

Section 709. Consulting Engineer Report. At least once every 2 years, the City will employ an independent consulting engineer or firm of consulting engineers having a national reputation for skill and experience in the construction and operation of public utilities and will cause such consulting engineer or engineers to make an examination of and report on the condition and operations of the City's electric system, such report to include recommendations as to any changes in such operations deemed desirable. Each such report shall also make reference to any unusual or extraordinary items of maintenance and repair and any extensions or improvements that may be needed in the ensuing 2 year period. Within 30 days after the completion of each such report, a copy thereof shall be filed in the office of the City Clerk and a copy of each such report shall be mailed to the original purchaser of the Bonds.

Section 710. Bondholders Right of Inspection. The holder or holders of any of the Bonds shall have the right at all reasonable times to inspect the electric system and all records, accounts and data relating thereto, and any such holder shall be furnished all such information concerning said system and the operation thereof which he may reasonably request.

Section 711. Performance of Duties. The City will faithfully and punctually perform all duties and obligations with respect to the operation of its electric system, including all improvements, extensions and enlargements thereto, now or hereafter imposed upon the City by the Constitution and laws of the State of Kansas and by the provisions of this Ordinance.

ARTICLE VIII

ADDITIONAL BONDS

Section 801. Prior Lien Bonds. The City covenants and agrees that so long as any of the Series 1981 Bonds remain outstanding and unpaid, the City will not issue any additional bonds or other debt obligations payable out of the revenues of its electric system or any part thereof which are superior to the Bonds.

Section 802. Parity Lien Bonds. The City covenants and agrees that so long as any of the Bonds remain outstanding and unpaid, the City will not issue any additional bonds or other debt obligations payable out of the revenues of its electric

system or any part thereof which stand on a parity or equality with the Series 1981 Bonds unless all of the following conditions are met:

(a) The City shall not be in default in the payment of principal of or interest on the Series 1981 Bonds or in making any payment at the time required to be made into the respective funds and accounts created by and referred to in this Ordinance; and

(b) The average annual net revenues derived by the City from the operation of its electric system, such net revenues being defined as the gross revenues less only the reasonable expenses of operation, maintenance and repair of such system but before other payments or charges, for the two fiscal years immediately preceding the issuance of additional bonds shall have been not less than 125% of the maximum amount required to be paid out of said revenues in any succeeding fiscal year on account of both principal and interest becoming due with respect to all revenue obligations of the City, including the additional bonds proposed to be issued. In the event the City shall have made an increase in rates for service furnished by the City's electric system and such increase shall not have been in effect during all of the two fiscal years immediately preceding the issuance of additional bonds, the City may retain an independent consulting engineer or firm of consulting engineers having a national reputation for skill and experience in the construction and operation of public utilities to make an investigation and report as to the amount of average annual net revenues which the City would have received from the operation of its electric system during said two preceding fiscal years if such increased rates had been in effect during all of said period, and the amount so determined and reported by said consulting engineer or firm of consulting engineers shall govern in determining the right of the City to issue additional parity bonds under the provisions aforesaid.

Additional revenue bonds of the City issued under the conditions hereinbefore in this Section set forth shall stand on a parity with the Bonds and shall enjoy complete equality or lien on and claim against the revenues of the City's electric system with the Series 1981 Bonds, and the City may make equal provision for paying said bonds and the interest thereon out of the Electric Utility Fund and may likewise provide for the creation of reasonable principal and interest accounts and bond reserve accounts for the payment of such additional bonds and the interest thereon out of moneys in the Electric Utility Fund.

Section 803. Junior Lien Bonds. Nothing in this Section contained shall prohibit or restrict the right of the City to issue additional electric system revenue bonds or other revenue obligations for the purpose of reconstructing, extending, improving, enlarging, repairing or altering the City's electric

system and to provide that the principal of and interest on said revenue bonds or obligations shall be payable out of the revenues of the City's electric system, provided at the time of the issuance of such additional revenue bonds or obligations the City shall not be in default in the performance of any covenant or agreement contained in this Ordinance, and provided further that such additional revenue bonds or obligations shall be junior and subordinate to the Series 1981 Bonds so that if at any time the City shall be in default in paying either interest on or principal of the Series 1981 Bonds, or if the City shall be in default in making any payments required to be made by it under the provisions of paragraphs (a), (b) and (c) of Section 503 of this Ordinance, the City shall make no payments of either principal of or interest on said junior and subordinate revenue bonds or obligations until said default or defaults be cured. In the event of the issuance of any such junior and subordinate revenue bonds or obligations, the City, subject to the provisions aforesaid, may make provision for paying the principal of and interest on said revenue bonds or obligations out of moneys in the Electric Utility Fund.

ARTICLE XI

DEFAULT AND REMEDIES

Section 901. Acceleration of Maturity in Event of Default. The City covenants and agrees that if it shall default in the payment of the principal of or interest on any of the Series 1981 Bonds as the same shall become due, and such default shall continue for a period of 30 days, or if the City or its governing body or any of the officers, agents or employees thereof shall fail or refuse to comply with any of the provisions of the Constitution or statutes of the State of Kansas, or of this Ordinance, then, at any time thereafter and while such default shall continue, the holders of 25% in principal amount of the Series 1981 Bonds then outstanding may, by written notice to the City filed in the office of the City Clerk or delivered in person to said City Clerk, declare the principal of all Series 1981 Bonds then outstanding to be due and payable immediately, and upon any such declaration given as aforesaid, all of said Bonds shall become and be immediately due and payable, anything in this Ordinance or in the Series 1981 Bonds contained to the contrary notwithstanding. This provision, however, is subject to the condition that if at any time after the principal of said outstanding Series 1981 Bonds shall have been so declared to be due and payable, all arrears of interest upon all of said Series 1981 Bonds, except interest accrued but not yet due on such Series 1981 Bonds, and all arrears of principal upon all of said Series 1981 Bonds, shall have been paid in full, and all other defaults, if any, by the City under the provisions of this Ordinance and under the provisions of the statutes of the State of Kansas shall

have been cured, then and in every such case the holders of a majority in amount of the Bonds then outstanding, by written notice to the City given as hereinbefore specified, may rescind and annul such declaration and its consequences, but no such rescission or annulment shall extend to or affect any subsequent default or impair any rights consequent thereon.

Section 902. Remedies. The provisions of this Ordinance, including the covenants and agreements herein contained, shall constitute a contract between the City and the holders of the Bonds, and the holder or holders of not less than 10% in principal amount of the Series 1981 Bonds at the time outstanding shall have the right, for the equal benefit and protection of all holders of Bonds similarly situated:

(a) By mandamus or other suit, action or proceedings at law or in equity to enforce his or their rights against the City and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Ordinance or by the Constitution and laws of the State of Kansas;

(b) By suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) By suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the holder of the Series 1981 Bonds.

Section 903. Limitation on Rights of Bondholders. No one or more bondholders secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all holders of such outstanding Series 1981 Bonds and coupons.

Section 904. Remedies Cumulative. No remedy conferred herein upon the bondholders is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the holder of any Series 1981 Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any bondholder 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 of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the holders of the Series 1981 Bonds by this Ordinance may be

enforced and exercised from time to time and as often as may be deemed expedient. In case any suit, action or proceedings taken by any bondholder on account of any default or to enforce any right or exercise any remedy shall have been discontinued or abandoned for any reason, or shall have been determined adversely to such bondholder, then, and in every such case, the City and the holders of the Series 1981 Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the bondholders shall continue as if no such suit, action or other proceedings had been brought or taken.

Section 905. No Obligation to Levy Taxes. Nothing contained in this Ordinance shall be construed as imposing on the City any duty or obligation to levy any taxes either to meet any obligation incurred herein or to pay the principal of or interest on the Bonds.

ARTICLE X

DEFEASANCE

Section 1001. Defeasance. When all of the Series 1981 Bonds and all coupons representing interest thereon shall have been paid and discharged, then the requirements contained in this Ordinance and the pledge of revenues made hereunder and all other rights granted hereby shall terminate. Series 1981 Bonds and interest coupons shall be deemed to have been paid and discharged within the meaning of this Ordinance if there shall have been deposited with the Paying Agent, or other bank located in the State of Kansas and having full trust powers, at or prior to the maturity or redemption date of said Series 1981 Bonds and coupons, in trust for and irrevocably appropriated thereto, moneys and/or direct obligations of, or obligations the principal of and interest on which are guaranteed by, the United States of America which; together with the interest to be earned on any such obligations, will be sufficient for the payment of the principal of said Bonds, the redemption premium thereon, if any, and interest accrued to the date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date, then to the date of the tender of such payments, provided always that if any such Series 1981 Bonds shall be redeemed prior to the maturity thereof, the City shall have elected to redeem such Series 1981 Bonds and notice of such redemption shall have been given. Any moneys and obligations which at any time shall be deposited with said Paying Agent or other bank by or on behalf of the City, for the purpose of paying and discharging any of the Series 1981 Bonds or coupons, shall be and are hereby assigned, transferred and set over to such Paying Agent or other bank in trust for the respective holders of the Series 1981 Bonds and coupons, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All moneys

deposited with said Paying Agent or other bank shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

ARTICLE XI

AMENDMENTS

Section 1101. Amendments. The rights and duties of the City and the bondholders, and the terms and provisions of the Bonds or of this Ordinance, may be amended or modified at any time in any respect by ordinance of the City with the written consent of the holders of not less than 66-2/3% in principal amount of the Series 1981 Bonds then outstanding, such consent to be evidenced by an instrument or instruments executed by such holders and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the City Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the City is required to pay by way of principal of or interest on any Bond;
- (c) permit the creation of a lien on the revenues of the City's electric system prior or equal to the lien of the Series 1981 Bonds or additional bonds hereafter issued on a parity with the Serie 1981 Bonds as hereinbefore provided;
- (d) permit preference or priority of any bonds over any other bonds; or
- (e) reduce the percentage in principal amount of Series 1981 Bonds required for the written consent to any modification or alteration of the provisions of this Ordinance.

Any provision of the Series 1981 Bonds or of this Ordinance may, however, be amended or modified at any time in any respect with the written consent of the holders of all of the Series 1981 Bonds at the time outstanding. Amendments to this Ordinance which add to or supplement the security of the holders of the Series 1981 Bonds may be adopted by the City without the consent of such bondholders.

In order that the holders of Series 1981 Bonds payable to bearer may evidence their consent in the manner hereinabove provided, the City may make and, from time to time, vary such regulations as it shall deem proper for the deposit of Bonds with, or exhibit of Series 1981 Bonds to, any banks, bankers, trust companies or other depositories, wherever situated, and for the issuance by them to the persons depositing or exhibiting such Series 1981 Bonds or certificates in form approved by the City which shall constitute proof of ownership, entitling the holders thereof to consent in the manner hereinabove provided. Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the City Clerk a copy of the ordinance of the City hereinabove provided for, duly certified, as well as proof of consent to such modification by the holders of not less than 66-2/3% in principal amount of the Series 1981 Bonds then outstanding. It shall not be necessary to note on any of the outstanding Series 1981 Bonds any reference to such amendment or modification.

ARTICLE XII

MISCELLANEOUS PROVISIONS

Section 1201. Severability. If any section or other part of this Ordinance, whether large or small, shall for any reason be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

Section 1202. 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 once in the official City newspaper.

PASSED by the governing body of the City of Garnett, Kansas, this 15th day of April, 1981.



Dale Lybarger
Mayor

Joyce E. Martin
City Clerk

AN ORDINANCE ESTABLISHING THE MAXIMUM SPEED LIMIT FOR WESTGATE ROAD, AMENDING TITLE 10, CHAPTER 4 OF THE MUNICIPAL CODE; PROVIDING PENALTY FOR VIOLATION OF SAID 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, forty (40) m.p.h. over and upon Westgate Road within the City of Garnett, Kansas.

SECTION 2: Every person convicted of violation of Title 10, Chapter 4 of the Municipal Code of the City of Garnett, Kansas, or any section or subsection thereof, shall be punished for the first conviction thereof by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year thereafter, such person shall be punished by a fine of not more than Two Hundred Dollars (\$200.00) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year, such person shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

SECTION 3: This Ordinance shall be amendatory to Title 10, Chapter 4 of the Municipal Code and the official City codifier is instructed to enter the same accordingly.

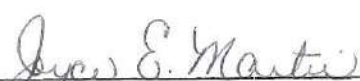
SECTION 4: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED, This 22nd day of April, 1981.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE FIXING THE MINIMUM LENGTH ON WALLEYE TAKEN FROM CITY LAKES; AMENDING TITLE 9, CHAPTER 5, SECTION 13(D) OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS.

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


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

(D) The catching and taking of fish from city lakes is permitted without limitation as to time. No catfish, excepting bullheads, of a length less than twelve (12) inches shall be retained or possessed. No black bass or walleye of a length less than fifteen (15) inches shall be retained or possessed. All under-sized fish are to be returned immediately, unrestrained, to the waters from which they were taken. The size of a fish shall be determined as the total length in inches measured from the tip of the snout to the end of the tail, with the mouth closed and the tail lobes pressed together.

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

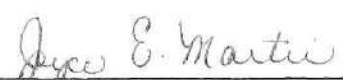
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED, This 13TH day of May, 1981.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2589

AN ORDINANCE AUTHORIZING AND DIRECTING THE OFFICERS OF THE CITY OF GARNETT, KANSAS, TO CALL A SPECIAL QUESTION-SUBMITTED ELECTION IN THE CITY TO BE HELD ON JULY 7, 1981, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSITION TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF GARNETT, KANSAS, UNDER THE PROVISIONS OF K.S.A. 12-801 ET SEQ., IN AN AMOUNT NOT EXCEEDING \$900,000, FOR THE PURPOSE OF PAYING PART OF THE COST OF CONSTRUCTING, EXTENDING, ENLARGING AND IMPROVING THE COMBINED WATER AND SEWAGE SYSTEM OF THE CITY BY CONSTRUCTING WATER SUPPLY RESERVOIR AND IMPROVEMENTS RELATED THERETO.

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

Section 1. The County Election Officer of Anderson County, Kansas, and the municipal officers of the City, having authority to call an election in said municipality, are hereby authorized and directed to call a special, question-submitted election of the qualified electors of the City to vote upon the following proposition:

Proposition to authorize the issuance of the general obligation bonds of the City of Garnett, Kansas, under the provisions of K.S.A. 12-801 et seq., in an amount not exceeding \$900,000, for the purpose of paying part of the cost of constructing, extending, enlarging and improving the combined water and sewage system of the City by constructing water supply reservoir and improvements related thereto, the total cost thereof being estimated at \$2,500,000, the balance of which is to be paid from the issuance of water and sewer system revenue bonds of the City.

Section 2. Said election shall be held on Tuesday, July 7, 1981, and the polling places of said election will be at the following places in the City, said polling places to be kept open from and between the hours of 7:00 o'clock A.M. and 7:00 o'clock P.M.:

- | | |
|------------|-------------------------------------------------|
| Ward No. 1 | United Brethren Church
First & Pine |
| Ward No. 2 | Christian Church
200 South Walnut |
| Ward No. 3 | Town Hall Center
119 W. 5th Street |
| Ward No. 4 | Anderson County Courthouse
Courthouse Square |

Section 3. The ballots to be used at said election shall be in substantially the following form:

OFFICIAL BALLOT
CITY OF GARNETT, KANSAS
TUESDAY, JULY 7, 1981

To vote in favor of any question submitted upon this ballot, make a cross or check mark in the square to the right of the word "YES"; to vote against it, make a cross or check mark in the square to the right of the word "NO".

SHALL THE FOLLOWING BE ADOPTED?

Proposition to authorize the issuance of the general obligation bonds of the City of Garnett, Kansas, under the provisions of K.S.A. 12-801 et seq., in an amount not exceeding \$900,000, for the purpose of paying part of the cost of constructing, extending, enlarging and improving the combined water and sewage system of the City by constructing water supply reservoir and improvements related thereto, the total cost thereof being estimated at \$2,500,000, the balance of which is to be paid from the issuance of water and sewer system revenue bonds of the City.

YES : : :
: : :
: : :

NO : : :
: : :
: : :

Section 4. Notice of said election setting forth the time and place of holding the election and the proposition for which the bonds are proposed to be issued shall be given and such notice shall be signed by the County Election Officer and by the municipal officers, or a majority of them having authority to call such election. Such notice shall be published in the Garnett Review, a weekly newspaper published in the City of Garnett, Kansas, and of general circulation in the City of Garnett, Kansas. Such notice shall be published once a week for at least three consecutive weeks, the first publication to be not less than twenty-one days prior to the date of said election.

Section 5. All qualified electors residing in the City of Garnett, Kansas, shall be entitled to vote at said election. The County Election Officer is hereby authorized and directed to prepare and cause to be printed ballots substantially in the form hereinbefore provided, and also to procure the necessary tally sheets and poll books for said election, and said election shall be held in all respects according to the rules and regulations provided by law for holding elections in said City.

Section 6. This ordinance shall take effect and be in full force from and after its passage, approval and publication.

PASSED by the City Commission the 27th day of May, 1981.

APPROVED by the City Commission the 27th day of May, 1981.



Paul L. Berger

Mayor

Joyce E. Martin

City Clerk

NOTICE OF BOND ELECTION

CITY OF GARNETT, KANSAS

GENERAL OBLIGATION BONDS

Public notice is hereby given to all qualified electors residing in the City of Garnett, Kansas, that a special, question-submitted election will be held in the City on Tuesday, July 7, 1981, pursuant to an ordinance duly passed by the governing body of the City, for the purpose of submitting to the qualified electors of the City a proposition to authorize the issuance of general obligation bonds of the City of Garnett, Kansas, under the provisions of K.S.A. 12-801 et seq., in an amount not exceeding \$900,000, for the purpose of paying part of the costs of constructing, extending, enlarging and improving the combined water and sewage system of the City by constructing a water supply reservoir and improvements thereto.

The election will be held at the following polling places located in the City:

Ward No. 1	United Brethren Church First & Pine
Ward No. 2	Christian Church 200 South Walnut
Ward No. 3	Town Hall Center 119 W. 5th Street
Ward No. 4	Anderson County Courthouse Courthouse Square

The polls at the election will be open to all qualified electors residing in the City, from and between the hours of 7:00 o'clock A.M. and 7:00 o'clock P.M.

The ballot to be used at the election will be in substantially the following form:

OFFICIAL BALLOT
CITY OF GARNETT, KANSAS
TUESDAY, JULY 7, 1981

To vote in favor or any question submitted upon this ballot, make a cross or check mark in the square to the right of the word "YES"; to vote against it, make a cross or check mark in the square to the right of the word "NO".

SHALL THE FOLLOWING BE ADOPTED?

Proposition to authorize the issuance of the general obligation bonds of the City of Garnett, Kansas, under the provisions of K.S.A. 12-801 et seq., in an amount not exceeding \$900,000, for the purpose of paying part of the cost of constructing, extending, enlarging and improving the combined water and sewage system of the City by constructing a water supply reservoir and improvements related thereto, the total cost thereof being estimated at \$2,500,000, the balance of which is to be paid from the issuance of water and sewer system revenue bonds of the City.

YES : : :
: : :
: : :

NO : : :
: : :
: : :

DATED this 27th day of MAY, 1981.



Judith A. Cremona
County Election Officer

Paul Lybarger
Mayor

Kenneth Calahan
Commissioner

Commissioner



Jay E. Martin
City Clerk

ORDINANCE NO. 2591

AN ORDINANCE OF THE CITY OF GARNETT, KANSAS, GRANTING A FRANCHISE TO NATIONAL TELEPHONE COMPANY, INC. TO OPERATE AND MAINTAIN A COMMUNITY ANTENNA AND TELEVISION SYSTEM IN SAID CITY.

WHEREAS, the City of Garnett, Kansas, is a municipal corporation of the second class, authorized by K.S.A. 12-2006 to K.S.A. 12-2014 inclusive, to permit the operation of cable television service businesses within its corporate limits and to grant a nonexclusive franchise for such purpose;

WHEREAS, National Telephone Company, Inc., a Connecticut corporation, desires to operate a community antenna television distribution system within the City and to use the City's rights-of-way, public ways, streets and alleys; and

WHEREAS, a public hearing on the issue whether this franchise should be granted was held on June 26, 1981;

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

Section 1. That the National Telephone Company, Inc., be granted a nonexclusive franchise to operate and maintain a community antenna and television system within the corporate limits of the City of Garnett, Kansas, in accordance with the provisions of the Community Antenna Pole Attachment Agreement previously entered between the City and National Telephone Company, Inc., said agreement being attached hereto, hereby incorporated by reference and made a part of this Ordinance.

Section 2. This Ordinance shall take effect and be in force from and after passage and publication in the official City newspaper.

Passed by the governing body of the City of Garnett, Kansas, and approved by the Mayor this 26 day of June, 1981.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 2594

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 1981 BUDGET TO INCREASE EXPENDITURE CEILING FOR THE AIRPORT FUND.

WHEREAS, Notice of Public Hearing has been duly and regularly given pursuant to resolution of this Governing Body; and

WHEREAS, At a public hearing convened and held at City Hall on the 26th day of August, 1981, it was considered and found to be advisable to increase the present expenditure ceiling in the Airport Fund as provided in said resolution and notice.

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

SECTION 1: The Airport Fund is hereby amended to increase the expenditure ceiling from \$20,380.00 to \$35,380.00.

SECTION 2: That these amendments are made pursuant to the authority contained in the Kansas Budget Law to amend public budgets K.S.A. 79-2925, et seq. and shall take effect and be in force from and after the passage of this Ordinance and publication thereof one (1) time in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 26th day of August, 1981.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2595

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LANDS LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 2230 OF SAID CITY.

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

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


Lots Ten (10), Eleven (11), Twelve (12), Thirteen (13), and Fourteen (14), Block One (1); Lots One (1), Two (2), and Three (3), Block Two (2); all in Knauss Addition to the City of Garnett;

is hereby changed from R-2 (Residential) to R-3 (Residential).

SECTION 2: Upon this Ordinance becoming effective, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said Official Zoning Map is hereby reincorporated as amended as a part of Ordinance No. 2230.

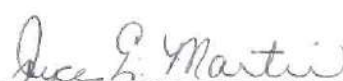
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and publication in The Anderson Countian, an official City newspaper.

PASSED By the Commission and approved this 26th day of August, 19 81.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2597

AN ORDINANCE OFFICIALLY NOTIFYING THE BOARD OF DIRECTORS OF THE PUBLIC WHOLESale WATER DISTRICT #3 OF ANDERSON COUNTY OF THE INTENTION OF THE CITY OF GARNETT, KANSAS TO WITHDRAW AS A MEMBER THEREOF; AND REPEALING OTHER INCONSISTENT ORDINANCES.

WHEREAS, The City of Garnett is presently a member of Public Wholesale Water District #3 of Anderson County; and

WHEREAS, The said Public Wholesale Water District was created for the primary, if not the exclusive, purpose of constructing a source of public water supply for its members; and

WHEREAS, The City of Garnett has elected to construct its own impoundment facility to store and hold a supply of water suitable and adequate for the City's domestic water needs for the foreseeable future; and

WHEREAS, It appears no longer in the best interests of the City of Garnett to continue its membership in the said Public Wholesale Water District.


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

SECTION 1: That the City of Garnett does hereby elect to withdraw from Public Wholesale Water District #3 of Anderson County, Kansas, and to have this Ordinance constitute its notice of withdrawal pursuant to the certain agreement creating said Public Wholesale Water District, particularly Article 5, Section 1 thereof.

SECTION 2: Any ordinance in conflict with the provisions of this Ordinance is hereby repealed, to the extent of such inconsistency or conflict.

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 23rd day of September, 1981.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2599

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:

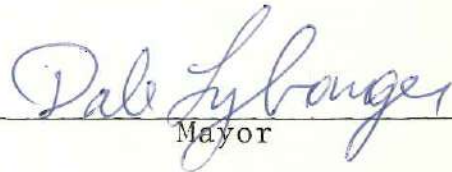
SECTION 1: Title 4, Chapter 4, Section 2A of the Municipal Code of the City of Garnett is hereby amended to read as follows:

4-4-2A: STANDARD RATE: All gas sold by the City of Garnett to each classification of user above established shall be charged for at the rate of \$3.30 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, 1981, and after its publication in an official City newspaper.

PASSED and APPROVED this 28th day of October, 1981.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2600

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 the Northwest Corner of the Southwest Quarter (SW/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East, Anderson County, Kansas. Thence East on Section line 308 feet, thence North 188 feet, thence East 364.3 feet, thence South 188 feet to Section line, thence West 47.08 feet, thence South 170 feet, thence West 92 feet, thence South 80 feet, thence West 92 feet, thence South to railroad right-of-way, thence West 439.32 feet, thence North 339.6 feet to 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 the owners thereof having petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, such land being adjacent to an existing boundary of the said City of Garnett, Kansas, is hereby annexed to and made a part of the City of Garnett, Kansas.

SECTION 2: Such addition shall be known as "Eastgate Addition to the City of Garnett".

SECTION 3: Ordinance 2559, 2564, and any other ordinance in conflict herewith be and the same is hereby repealed.


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

PASSED and APPROVED This 28th day of October, 1981.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2601

AN ORDINANCE PROVIDING FOR NO VEHICULAR PARKING ON A CERTAIN PART OF WEST SIXTH AVENUE; SUPPLEMENTING TITLE 10, CHAPTER 2 OF THE MUNICIPAL CODE.


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

SECTION 1: NO PARKING: It shall be unlawful to park or stand any vehicle on the north side of West Sixth Avenue between its intersection with Vine Street and its intersection with Maple Street during the hours of 7:30 a.m. and 5:00 p.m. on any day during which the public school adjacent thereto shall be in session.

SECTION 2: This Ordinance shall be deemed supplementary to Title 10, Chapter 2 of the Municipal Code of the City of Garnett, Kansas.

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

PASSED and APPROVED this 11th day of November, 1981.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2604

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: STANDARD RATE: All gas sold by the City of Garnett to each classification of user above established shall be charged for at the rate of \$3.67 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 January 1, 1982, and after its publication in an official City newspaper.

PASSED and APPROVED this 23rd day of December, 1981.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2605

AN ORDINANCE VACATING A PART OF BRONSTON HEIGHTS ADDITION TO THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST; AND PROVIDING FOR THE RECORDING OF SAID ORDINANCE AS A PUBLIC RECORD.

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:

All that part of Tenth Avenue lying between and adjacent to South half (S 1/2) of Block Seven (7) and North half (N 1/2) of Block Twelve (12) of Bronston Heights Addition to the City of Garnett, Kansas, said strip being 60 feet in width north and south and running the full width of said blocks, a distance of 300 feet more or less in an east-west direction;

be vacated as a public street; which said Addition was duly platted and the said plat being recorded in the Plat Book, Office of Register of Deeds, Anderson County, Kansas, on the 4th day of April, 1910 at 4:15 p.m.


SECTION 2: That the area covered by the entirety of South half (S 1/2) of Block Seven (7) and North half (N 1/2) of Block Twelve (12) of said addition is and has been for some time, in one ownership, and that it is necessary and expedient now to vacate the above-described public street, in order that the highest and best use of the land may be made; and that such street as platted is a street that does not connect with any other street; and that to vacate the same will not in anywise inconvenience the public or be adverse to the public's interest.

SECTION 3: 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 said vacation of West Tenth Avenue, Garnett, Kansas, and unless a written protest is filed within the said thirty (30) day period, this Ordinance shall become effective.

SECTION 4: That a certified copy of this Ordinance, after the same becomes fully effective, shall be filed by the City Clerk in the office of the County Clerk and the office of the Register of Deeds of Anderson County, Kansas, and be placed of record as provided by law.

SECTION 5: This Ordinance shall take effect and be in force from and after its passage and publication in an official City newspaper, and further after the expiration of the time for protest as provided herein and as provided by Kansas Statutes Annotated.

PASSED and APPROVED This 23rd day of DECEMBER, 1981.



Mayor

A T T E S T:



City Clerk

REQUEST TO VACATE A PART OF TENTH STREET

TO THE GOVERNING BODY OF THE CITY OF GARNETT:

The undersigned, as owners of the South half (S 1/2) of Block Seven (7) and the North half (N 1/2) of Block Twelve (12) and the equitable interest therein, of Bronston Heights Addition to the City of Garnett, Kansas, respectfully request this Honorable Governing Body to vacate all of that part of Tenth Street lying between and adjacent to said two (2) blocks.

The undersigned respectfully state that they are proposing an addition to the existing veterinary clinic facility upon the South half (S 1/2) of Block 7 and the North half (N 1/2) of Block Twelve (12) of said Addition and it will encroach upon and be situate over a part of said segment of Tenth Street; and that such part of Tenth Street has never been opened for street purposes and is not presently used as a street, highway or alley; and that to vacate the same would not constitute any public inconvenience.

Richard W. Markham

Richard W. Markham

Rita A. Markham

Rita A. Markham

ORDINANCE NO. 2607

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 one year; and,

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

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

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

Section 1. That all unpaid utility bills shown on the attached list in the amount of \$4,398.89, incurred through December 31, 1981 are hereby deleted from the City's accounting records.

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

PASSED and APPROVED this 27th day of January, 1982.



Mayor

ATTEST:



City Clerk

ATTACHMENT TO ORDINANCE NO. 2607

Noel Radcliff	\$ 232.79
Donna Wright	102.81
Garry Scott	99.15
Bob McKinsey	70.86
Nadine Skillman	315.40
John Scott	10.50
Richard Stroud	46.35
Robert H. Jamison	269.25
Gary Everwein	2.95
Sam Lankard	18.99
Clara V. Bradley	27.21
Gary Hermreck	110.24
Ray Vaughn	63.38
Lily Crawford	5.67
Calvin DeVoe	15.33
Charles Christopher	66.30
Charles Christopher	293.74
David E. Chiles	29.63
James McDowell	408.25
Ben Bradley	107.08
Robert Jamison	216.53
Joy Cummings	76.80
Jan Fagg	190.89
Rolland Miller	194.37
Jeffrey D. Scobee	5.45
Carl Wollitz, Sr.	121.95
Donna Wright	154.22
Ron Adams	103.10
Richard Carey	83.56
James Avery	172.24
Richard C. Anderson	170.09
Ricky Bell	88.29
James McDowell	387.49
Skidders Family Center	<u>138.03</u>
	\$4,398.89

ORDINANCE NO. 2609

AN ORDINANCE INCREASING THE LIABILITY INSURANCE REQUIREMENTS FOR TAXICAB OPERATORS WITHIN THE CITY AND GENERALLY AMENDING TITLE 5, CHAPTER 7, SECTION 4 OF THE MUNICIPAL CODE

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

SECTION 1: Title 5, Chapter 7, Section 4 of the Municipal Code of the City of Garnett is hereby amended to read as follows:

5-7-4: INSURANCE POLICY: The applicant shall also deposit with the City Clerk proof of liability insurance throughout the licensing period on each vehicle sought to be licensed and such insurance coverage shall in no event be less than the minimum required for the operation of an automobile by the State of Kansas; provided, however, that with respect to personal injury and property damage the following minimums shall apply:

- (a) Personal injury liability in an amount of \$100,000.00 individual and \$200,000.00 aggregate per accident; and
- (b) Property damage liability in an amount of \$25,000.00.


All such policies of insurance shall specifically provide that they cannot be cancelled, reduced, or otherwise modified until written notice of such shall have been given to the City of Garnett by the insurance carrier. Cancellation of any such policy or reduction of coverages below the minimums specified herein shall automatically render the license for such vehicle issued hereunder null and void until such time as adequate insurance coverage as herein required is obtained and proof thereof filed with the City Clerk.

SECTION 2: Title 5, Chapter 7, Section 4 of the Municipal Code, as the same now exists, is hereby repealed.

SECTION 3: This Ordinance shall be deemed amendatory and supplementary to Title 5, Chapter 7 of the Municipal Code of the City of Garnett, Kansas.


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 10th day of MARCH, 1982.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2611

AN ORDINANCE VACATING A PART OF KNAUSS ADDITION, AN ADDITION TO THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST; AND PROVIDING FOR THE RESERVATION TO THE SAID CITY OF GARNETT AND TO OTHER PUBLIC UTILITIES ANY RIGHTS-OF-WAY AND EASEMENTS WHICH MAY BE IN EXISTENCE AT THE TIME OF THE ADOPTION OF THIS ORDINANCE AND FOR THE RECORDING OF THIS SAID ORDINANCE AS A PUBLIC RECORD.

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

SECTION 1: The following described real estate, to-wit:

Third Street between Willow and Ash Streets in Knauss Addition to the City of Garnett, Anderson County, Kansas, being more particularly described as follows:

Commencing at the Southwest Corner of Lot Fourteen (14), Block One (1), Knauss Addition to the City of Garnett, thence East 232 feet to the Southeast Corner of Lot Thirteen (13), said Block One (1), thence South 80 feet, thence West 232 feet to the Northwest Corner of Lot Three (3), Block Two (2) of said Addition, thence North 80 feet to the place of beginning;

be vacated as a public street; which said Addition was duly platted and said Plat being recorded at Page 92, PLAT BOOK, Office of Register of Deeds, Anderson County, Kansas, on the 24th day of November, 1969, at 9:50 a.m.

SECTION 2: The area covered by Lots Nine (9) to Thirteen (13), Block One (1), and Lots One (1) to Three (3), Block Two (2) of said Knauss Addition is in one ownership; that the said street is not laid out and if laid out would be a dead-end street; and that it is necessary and expedient to vacate the above described public street which bisects said Lots in order that the highest and best use of the land may be made.

SECTION 3: 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 said vacation of the said public street in the office of the City Clerk of Garnett, Kansas, and unless a written protest is filed within the said thirty (30) days, this Ordinance shall become effective.

SECTION 4: There is hereby reserved to the said City of Garnett, Kansas, and to any other public utility a right-of-way and easement over and through the real estate described in Section 1 hereof for the purpose of the installation, maintenance, removal,

or reinstallation of utility services over and through the said real estate.

SECTION 5: That a certified copy of this Ordinance, after the same becomes effective, shall be filed by the City Clerk in the office of the County Clerk and the office of the Register of Deeds, Anderson County, Kansas, and be placed of record as provided by law.

SECTION 6: 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 as provided in Section 3 hereof.

PASSED and APPROVED This 14th day of April, 1982.



Dale Lybarger
Mayor

A T T E S T:



Joyce E. Martin
City Clerk

(Published in The Garnett Review, May 3, 1982)

ORDINANCE NO. 2613

ORDINANCE OF THE CITY OF Garnett,
KANSAS, DETERMINING NOT TO ENTER INTO A
POWER SALES AND SUPPLEMENTAL SERVICES
AGREEMENT WITH KANSAS MUNICIPAL ENERGY
AGENCY AND REQUESTING A TERMINATION OF
POWER SUPPLY PROJECT-PHASE II SERVICES
AS OF APRIL 30, 1982.

WHEREAS, the City has received extensive information from the Kansas Municipal Energy Agency (the "Agency") with regard to the Power Sales Project in Phase II of the Agency, and after consideration of all of the information which has been furnished by the Agency and after conducting such independent investigations as the City has determined appropriate, the City has determined not to enter into a Power Sales and Supplemental Service Agreement with the Agency.

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

SECTION 1. The City hereby determines not to enter into a Power Sales and Supplemental Services Agreement with the Kansas Municipal Energy Agency and requests that all services to the City in connection with the Power Supply Project be terminated as of April 30, 1982. Nothing herein shall affect any obligation of the City to pay for Phase II services under its Installment Purchase Agreement with the Agency as provided in such Agreement, subject to the termination of such services as of April 30, 1982, and the determination of the exact amount owed by the City for services rendered to that date.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and publication in the official City paper.

ADOPTED this 28th day of April, 1982, by the Governing Body of the City of Garnett.

By *Dale Lybarger*
Mayor

ATTEST:



James E. Martin
City Clerk

ORDINANCE NO. 2614

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, §2 AND §2A OF THE MUNICIPAL CODE DEALING WITH PERIODIC RATES FOR THE GAS SERVICE UTILITY OF THE SAID CITY; REPEALING EXISTING §2 AND §2A AND PROVIDING AN EFFECTIVE DATE FOR SAID ORDINANCE

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

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

4-4-2: GAS SERVICE; PERIODIC RATES: The following periodic rates for the use of the gas utility are hereby established to users and consumers of the City:

- (A) Residential Service - Standard: The net rate per month for gas purchased under this classification shall be the sum of the customer charge, which is hereby established at two dollars (\$2.00) per month, plus a gas charge which shall be computed at the rate hereinafter fixed for each one thousand (1,000) cubic feet consumed.
- (B) Residential Service - Outside City: The net rate per month for gas purchased under this classification shall be the sum of the customer charge, which is hereby established at three dollars (\$3.00) per month, plus a gas charge which shall be computed at the rate hereinafter fixed for each one thousand (1,000) cubic feet consumed.
- (C) General Service: The net rate per month for gas purchased under this classification shall be the sum of the customer charge, which is hereby established at two dollars fifty cents (\$2.50) per month, plus a gas charge which shall be computed at the rate hereinafter fixed for each one thousand (1,000) cubic feet consumed.
- (D) General Service - Outside City: The net rate per month for gas purchased under this classification shall be the sum of the customer charge, which is hereby established at three dollars fifty cents (\$3.50) per month, plus a gas charge which shall be computed at the rate hereinafter fixed for each one thousand (1,000) cubic feet consumed.

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

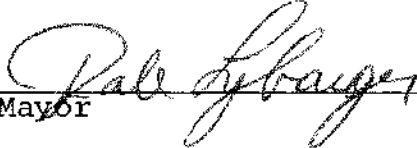
4-4-2A: STANDARD RATES: All gas sold by the City to each classification of user above established shall be charged for at the rate of four dollars thirty cents (\$4.30) per thousand cubic feet sold.

Ordinance
Page 2

SECTION 3: Title 4, Chapter 4, Sections 2 and 2A of the Municipal Code of the City of Garnett, Kansas, as the same presently exists, is hereby repealed.


SECTION 4: This Ordinance shall take effect and be in force from and after May 1, 1982, and after its publication in an official newspaper of the City of Garnett.

PASSED and APPROVED This 28th day of April, 1982.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2615

AN ORDINANCE COMBINING THE WATER WORKS SYSTEM AND SEWAGE DISPOSAL SYSTEM OF THE CITY OF GARNETT INTO A WATER AND SEWAGE SYSTEM, AS SUCH TERMS ARE DEFINED BY STATUTE; AND RATIFYING AND CONFIRMING PRIOR OPERATION AND FINANCING OF SAID INDIVIDUAL SYSTEMS AS A *DE FACTO* WATER AND SEWAGE SYSTEM

WHEREAS, The City of Garnett, Kansas, has for many years operated both Municipal Water Works and Sewage Disposal Systems as utilities of the said City; and

WHEREAS, The said two utility systems have been operated in combination with each other for 20 years more or less prior to the adoption hereof for reasons of internal accounting and budgeting; and

WHEREAS, Such combination of operations as aforesaid was done without the appropriate declaration in the form of an ordinance as required by law; and

WHEREAS, The City of Garnett, Kansas, is now and for all periods material hereto has been a city having a population of less than 80,000; and

WHEREAS, It continues to promote ease and efficiency of operation of the said Water Works System and Sewage Disposal System to operate them in combination.

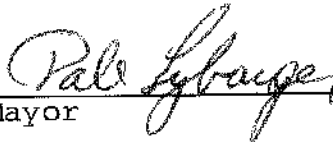
NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

That the Water Works System and the Sewage Disposal System of the City of Garnett, Kansas, are declared to be, and hereafter shall be a Water and Sewage System as such terms are defined in K.S.A. 12-856 and it shall be operated and financed in the manner provided by statute for such combined Water Works and Sewage Disposal Systems; and, further,

RATIFYING AND CONFIRMING, The prior operation of the said two independent systems as a *de facto* Water and Sewage System for a period of twenty (20) years more or less immediately preceding the adoption of this 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.

PASSED and APPROVED the 12th day of May, 1982.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2617

AN ORDINANCE TEMPORARILY SUSPENDING THE MINIMUM LENGTH FOR RETAINING AND POSSESSING BLACK BASS FROM LAKE GARNETT

WHEREAS, It has been determined by City personnel working in connection with personnel of the Kansas Department of Fish & Game that there is an apparent over population of black bass at the North City Lake, known as Lake Garnett; and

WHEREAS, The over population prevents the proper development of the black bass within said Lake; and

WHEREAS, It is desirable to reduce the population of black bass in said Lake and it has been determined the most efficient way to accomplish such reduction to permit the taking, retaining, and possessing of the same without respect to length for a limited period.

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

SECTION 1: The provisions of Title 9, Chapter 5, Section 13D fixing a minimum length for the retention and possession of black bass is hereby suspended for all such black bass taken from Lake Garnett, June 1 through June 30, 1982, both dates inclusive.

SECTION 2: All other provisions of said title, chapter, and section shall remain in full force and effect and nothing herein shall be construed to remove, suspend, or modify the minimum length for the retention or possession of any black bass taken from any other body of water within the City of Garnett.

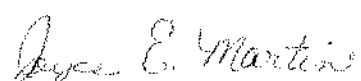
SECTION 3: This Ordinance shall take effect and be in force from and after its publication in an official newspaper of the City of Garnett, Kansas; and provided further upon the expiration of the period of suspension, namely after June 30, 1982, the Ordinance shall lapse and be of no further effect.

PASSED and APPROVED This 26th day of May, 1982.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 2618

AN ORDINANCE LEVYING A CITY GROSS EARNINGS TAX ON INTANGIBLES FOR THE YEAR 1982

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

SECTION 1: In accordance with the provisions of House Bill #3142, Laws of 1982, there is hereby levied in the City of Garnett, Kansas, a tax of two and one-quarter per cent [2 1/4%] on the gross earnings from money, notes, and other evidence of debt, commonly known as intangibles, having a taxable situs in the City of Garnett, Kansas. Such tax is hereby levied for the calendar year 1982, on the gross earnings from such intangibles in the calendar year 1981 and shall be applicable to such earnings and subject to such exemptions as provided by law.

SECTION 2: 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 upon the transmitting of a copy, duly certified, to the County Treasurer of Anderson County, Kansas.

PASSED and APPROVED this 26th day of May, 1982.

Pale Lybaiges
Mayor

A T T E S T:

James E. Martin
City Clerk

ORDINANCE NO. 2619

AN ORDINANCE LEVYING A CITY GROSS EARNINGS TAX ON INTANGIBLES FOR THE YEAR 1983 AND ALL YEARS THEREAFTER

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

SECTION 1: In accordance with the provisions of House Bill #3142, Laws of 1982, there is hereby levied in the City of Garnett, Kansas, a tax of two and one-quarter per cent [2 1/4%] on the gross earnings from money, notes, and other evidence of debt, commonly known as intangibles, having a taxable situs in the City of Garnett, Kansas. Such tax is hereby levied for the year 1983 and all years thereafter, on the gross earnings from such intangibles, and shall be applicable to such earnings and subject to such exemptions as provided by law.

SECTION 2: 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 upon the transmitting of a copy, duly certified, to the County Treasurer of Anderson County, Kansas.

PASSED and APPROVED this 26th day of May, 1982.

Mayor

Paul Lybarger

A T T E S T:

Jay E. Martin
City Clerk

ORDINANCE NO. 2620

AN ORDINANCE OF THE CITY OF GARNETT, KANSAS AUTHORIZING AND APPROVING AN EXTENSION AND ENLARGEMENT OF THE INSTALLMENT PURCHASE AGREEMENT BETWEEN THE KANSAS MUNICIPAL ENERGY AGENCY AND THE CITY, DIRECTING THE EXECUTION OF SUCH EXTENSION AND ENLARGEMENT ON BEHALF OF THE CITY AND REPEALING ORDINANCE NO. 2613 OF THE CITY.

WHEREAS, the City has received extensive information from the Kansas Municipal Energy Agency (the "Agency") concerning its Power Supply Project-Phase II and the City has determined that it would be in the best interests of the City and those persons who are the customers of the City's electric utility for the City to authorize and approve an extension and enlargement of the existing Installment Purchase Agreement between the City and the Agency to allow the Agency to investigate alternative power supply plans and shorter term power sales agreements.


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

SECTION 1: The City hereby authorizes and approves the (Revised) Extension and Enlargement of Installment Purchase Agreement which requires the City to pay additional money; provided the City of Garnett shall not be obligated to pay any sums in excess of the \$60,720.00 ceiling fixed for the Series A 1980 Notes (Phase II Maximum); to the Agency for Power Supply Project-Phase III services and the Mayor and City Clerk are hereby authorized and directed to execute and deliver to the Agency the (Revised) Extension and Enlargement of Installment Purchase Agreement subject to minor changes which may be approved by the Mayor and City Attorney.

SECTION 2: Ordinance No. 2613 of the City is hereby repealed.

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

ADOPTED this 26th day of May, 1982, by the Governing Body of the City of Garnett, Kansas.



Mayor

A T T E S T:



City Clerk

(Seal)

ORDINANCE NO. 2621

AN ORDINANCE OF THE CITY OF GARNETT, KANSAS, AUTHORIZING AND PROVIDING FOR THE EXTENDING, ENLARGING AND IMPROVING OF THE COMBINED WATER AND SEWAGE SYSTEM OF THE CITY BY CONSTRUCTING A WATER SUPPLY RESERVOIR AND IMPROVEMENTS RELATED THERE-TO; PROVIDING FOR THE PAYMENT OF THE COSTS THERE-OF; AND AUTHORIZING AND PROVIDING FOR THE ISSU-ANCE OF TEMPORARY NOTES OF THE CITY FROM TIME TO TIME TO PAY A PORTION OF THE COSTS THEREOF.

WHEREAS, the governing body of the City of Garnett, Kansas, has heretofore declared it to be necessary to extend, enlarge and improve the combined water and sewage system of the City by constructing a water supply reservoir and improvements related thereto at a total cost not exceeding \$2,500,000 under the authority of K.S.A. 12-856 et seq., as amended; and

WHEREAS, a notice of the intention of said governing body to make said extension, enlargement and improvement to the combined water and sewage system of the City and issue the water and sewage system revenue bonds of the City in a principal amount not to exceed \$1,600,000 to pay part of the costs of said extensions, enlargements and improvements was duly published in the Anderson Countian, the official city newspaper on June 11, 1981; and

WHEREAS, more than fifteen (15) days have passed since the publication date and there has been no protest against the making of said project of the issuance of said utility revenue bonds to pay a portion of the costs thereof filed in the Office of the City Clerk as provided by law; and

WHEREAS, K.S.A. 12-863 provides that any city which has combined its water and sewage system under the provisions of K.S.A. 12-857 may issue general obligations bonds for the improvement of such system in the same manner and subject to the same limitations as such city could issue if it has not combined the system; and

WHEREAS, K.S.A. 12-801 et seq., provides that a city may issue its general obligation bonds to extend its waterworks if the question of such issuance is approved by a majority of the electors thereof; and

WHEREAS, the governing body of the City of Garnett, Kansas, has heretofore by Ordinance No. 2589 provided for the calling of a bond election in the City of Garnett, Kansas, to be held at a special question-submitted election on July 7, 1981, on the question of issuing general obligation bonds of the City, under the provisions of K.S.A. 12-801 et seq. in an amount not to exceed \$900,000 in order to pay the balance of the costs of said extension, enlargements and improvements to the combined water and sewage system of the City; and

WHEREAS, said bond election was duly called and held in the City of Garnett, Kansas, on July 7, 1981, pursuant to due and proper notice thereof, and a majority of the electors of the City voting on the question of issuing the said general obligation bonds voted in favor thereof; and

WHEREAS, the governing body of the City of Garnett, Kansas, hereby finds and determines it to be necessary to authorize said project and the payment of the costs thereof; and

WHEREAS, the governing body of the City of Garnett, Kansas, further finds and determines it to be necessary to make provisions for the temporary financing of that portion of the cost of said extensions, enlargements and improvements to be paid by the issuance of the general obligation bonds of the City.

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

SECTION 1. It is hereby authorized, ordered and directed that the combined water and sewage system of the City of Garnett, Kansas, be constructed, enlarged, extended and improved in the following particulars, to-wit:

The constructing of a new water supply reservoir and improvements related thereto and the expenses of financing the same;

in accordance with Plans and Specifications developed therefor and prepared by Larkin & Associates, Consulting Engineers; and which Plans and Specifications are on file in the Office of the City Clerk and are hereby approved by the governing body of the City, all under the authority of K.S.A. 12-856 et seq., as amended, and all at a total estimated cost of \$2,500,000.

SECTION 2. The costs of said project shall be paid in part from the proceeds of the general obligation bonds of the City of Garnett, Kansas, which shall be hereinafter issued under authority of K.S.A. 12-801 et seq., in an amount not to exceed \$900,000, with the balance being payable from the proceeds of the water and sewage system revenue bonds of said City under the authority of K.S.A. 12-856 et seq., in an amount not to exceed \$1,600,000.

SECTION 3. In order to temporarily finance the portion of the costs of said project to be paid by the issuance of the general obligation bonds of the City of Garnett, Kansas, there shall be issued temporary notes of said City, the aggregate amount of which shall not exceed \$900,000, and which shall be issued from time to time upon subsequent resolution or resolutions of the City, which shall provide the details of the notes, including the fixing of the dates, terms, denominations, interest rates and maturity dates (not exceeding four years from the dates of the notes and redeemable at any time prior to the stated maturity). Provision for any such notes shall be made as funds are needed and required for orderly construction of the project; and the Mayor and City Clerk of the City of Garnett, Kansas, are hereby authorized and directed to prepare and execute each of said notes in accordance with the terms of this Ordinance and the terms of the subsequent resolution or resolutions of the City providing for the same; and the governing body of the City may deliver such notes to persons having claims against the City in connection with the project, or may sell the notes at private sale, and the proceeds of the notes shall be applied to the payment of the actual costs and expenses of the project. Any temporary notes of the City issued under the authority of this Section shall be issued under and will contain a recital that they are issued under the authority of K.S.A. 12-801 et seq., and shall contain all other usual recitals and covenants and be in the form provided by K.S.A. 10-123, as amended.

SECTION 4. This Ordinance shall be in force and take effect from and after its passage, approval and publication once in the official City newspaper.

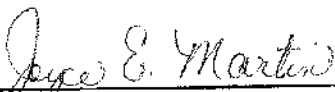
Passed and Approved by the Governing Body of the City of Garnett, Kansas, on June 2, 1982.



Mayor

(Seal)

ATTEST:



City Clerk

ORDINANCE NO. 2622

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: STANDARD RATE: All gas sold by the City of Garnett to each classification of user above established shall be charged for at the rate of \$4.21 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.

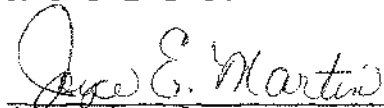
SECTION 3: This Ordinance shall take effect and be inforce from and after July 1, 1982, and after its publication in an official City newspaper.

PASSED and APPROVED this 9th day of June, 1982.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2625

AN ORDINANCE AMENDING TITLE 6, CHAPTER 2, SECTION 13 OF THE MUNICIPAL CODE DEALING WITH NOISY DOGS AND THE COMPLAINT PROCEDURE THEREFOR

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

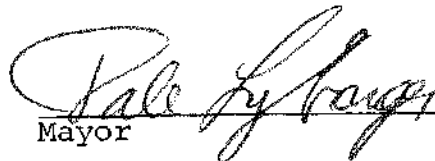
SECTION 1: Title 6, Chapter 2, Section 13 of the Municipal Code of the City of Garnett is hereby amended to read as follows:

6-2-13: NOISY DOGS; COMPLAINT PROCEDURE:
It shall be unlawful for the owner of any dog to permit in a careless, inattentive, wilful, or malicious manner such dog to howl, bark, or yelp so as to disturb the peace and quiet of the neighborhood. Any complaint hereunder must be signed by (i) at least two (2) landowners or occupants who reside within three hundred feet (300'); or (ii) one (1) landowner or occupant who resides within one hundred feet (100') of the property wherein such dog is located.

SECTION 2: Title 6, Chapter 2, Section 13 of the Municipal Code of the City of Garnett, Kansas, 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 July, 1982.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2626

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 5, SUBSECTIONS (B) AND (C) OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, RELATING TO THE MUNICIPAL WATER SERVICE AND PERIODIC RATES CHARGED FOR SUCH SERVICE; AND REPEALING EXISTING SUBSECTIONS.

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

SECTION 1: Title 4, Chapter 4, Section 5, Subsection (B) of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows, to-wit:

(B) Water Service; Periodic Rates: The following periodic rates for the use of the water utility are hereby established to users and consumers of the City:

1. Residential Service - Standard: The net rate per month for water purchased under this classification shall be the sum of the customer charge, which is hereby established at three dollars fifty cents (\$3.50) per month, plus a water charge which shall be computed at the rate of two dollars (\$2.00) for each one thousand (1,000) gallons consumed.

2. Residential Service - Outside City: The net rate per month for water purchased under this classification shall be the sum of the customer charge, which is hereby established at seven dollars (\$7.00) per month, plus a water charge which shall be computed at the rate of two dollars seventy cents (\$2.70) for each one thousand (1,000) gallons consumed.

3. General Service: The net rate per month for water purchased under this classification shall be the sum of the customer charge, which is hereby established at five dollars (\$5.00) per month, plus a water charge which shall be computed at the rate of two dollars (\$2.00) for each one thousand (1,000) gallons consumed.

4. General Service - Outside City: The net rate per month for water purchased under this classification shall be the sum of the customer charge, which is hereby established at eight dollars (\$8.00) per month, plus a water charge which shall be computed at the rate of two dollars seventy cents (\$2.70) for each one thousand (1,000) gallons consumed.

SECTION 2: Title 4, Chapter 4, Section 5, Subsection (C) of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows, to-wit:

(C) Coin Sales Rate: 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 four dollars (\$4.00) per one thousand (1,000) gallons sold, payable in advance of delivery.

SECTION 3: Title 4, Chapter 4, Section 5, Subsections (B) and (C), as the same presently exist in the Municipal Code of the City of Garnett, Kansas, are hereby repealed.

Ordinance No. 2626
Page 2

SECTION 4: This Ordinance shall take effect and be in full force and effect from and after August 1, 1982, and after its publication in an official City newspaper.

PASSED and APPROVED this 11th day of August, 1982.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE REPEALING ORDINANCE 2619 AND ABOLISHING A CITY GROSS EARNING TAX ON INTANGIBLES FOR THE YEAR 1983 AND ALL YEARS THEREAFTER.

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

SECTION 1: Ordinance #2619 of the City of Garnett, Kansas, is hereby repealed and the City gross earnings tax on intangibles for the year 1983 and all years thereafter is hereby abolished.

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; and further upon the transmitting of a copy, duly certified, to the County Treasurer of Anderson County, Kansas.

PASSED and APPROVED This 25th day of August, 1982.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2631

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: STANDARD RATE: All gas sold by the City of Garnett to each classification of user above established shall be charged for at the rate of \$5.03 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, 1982, and after its publication in an official City newspaper.

PASSED and APPROVED this 27th day of October, 1982.



Mayor

Attest:



City Clerk

ORDINANCE NO. 2632

AN ORDINANCE PROVIDING FOR NO VEHICULAR PARKING ON THE ALLEY NORTH OF FARRIS ADDITION TO THE CITY OF GARNETT, KANSAS, BETWEEN MAPLE STREET ON THE EAST AND THE EXTENSION OF HIGH STREET ON THE WEST; SUPPLEMENTING TITLE 10, CHAPTER 2 OF THE MUNICIPAL CODE.

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

SECTION 1: NO PARKING: It shall be unlawful to park or stand any vehicle on the south side of that certain alley lying north of the Farris Addition to the City of Garnett, Kansas, between its intersection with Maple Street on the east and its intersection with an extension of High Street on the west.

SECTION 2: This Ordinance shall be deemed supplementary to Title 10, Chapter 2 of the Municipal Code of the City of Garnett, Kansas.

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

PASSED and APPROVED this 27th day of October, 1982.

Rale Lybarger
Mayor

A T T E S T:

J. E. Martin
City Clerk

ORDINANCE NO. 2634

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF GARNETT, KANSAS FOR THE PURPOSE OF PAYING THE COST OF CERTAIN STREET IMPROVEMENTS IN AN AREA KNOWN AS CATALPA STREET.

WHEREAS, the Governing Body of the City of Garnett, Kansas has determined the total cost of such improvements to be \$35,000.00 of which amount \$13,900.00 be apportioned to The Board of Commissioners of Anderson County, Kansas and \$21,100.00 to The City of Garnett, Kansas.

WHEREAS, the said City's share of the project, being \$21,100.00 be paid for as follows:

Forty percent (40%) thereof from discretionary funds otherwise available to City of Garnett for such purposes; and

Sixty percent (60%) thereof to be assessed against the improvement district so created above and apportioned as follows:

Five-sixths (5/6ths) of the sum to be so apportioned, pro rata upon the basis of lot frontage abutting Catalpa Street; and

One-sixth (1/6th) of the sum to be so apportioned, to be divided in four (4) equal parts and assessed equally to the four lots abutting East Second Street, a street intersecting with and lying east of said Catalpa Street.

WHEREAS, the Governing Body of the City of Garnett has, after due notice, met and determined the amount of such special assessments.

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

SECTION 1. Special Assessments to pay the cost of said improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for said special assessment for said improvement as follows:

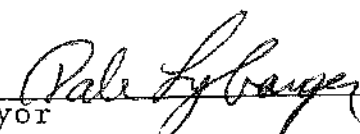
DESCRIPTION OF PROPERTY	ASSESSMENT
Lot 3, Maggio Addition	\$1,538.60
Lot 4, Maggio Addition	1,538.60
Lot 9, Maggio Addition	1,538.60
Lot 10, Maggio Addition	1,821.20
Lot 14, Maggio Addition	1,256.00
Lot 8, Block 1, Pretzer Addition	471.00
Lot 7, Block 2, Pretzer Addition	471.00
Lot 12, Block 2, Russell Addition	910.60
Lot 8, Maggio Addition	498.75

Lot 9, Maggio Addition	\$ 498.75
Lot 10, Maggio Addition	498.75
Lot 11, Maggio Addition	498.75

SECTION 2. Such amounts levied and assessed as set forth in Section 1 of this ordinance shall be due and payable from and after the publication of this ordinance, and unless such assessments are paid within ten (10) days from the publication of this ordinance, bonds or notes will be issued therefore and the City Clerk shall certify to the County Clerk all of the above assessments which have not been paid, together with interest at a rate not to exceed ten (10) percent per annum, the specific rate of interest being the average net interest rate on the bonds or notes issued to pay for said improvements and such amounts so certified shall be placed on the tax rolls and collected as other taxes are collected over a period of ten (10) years, the levy for each year being one-fourth of the principal amount of the assessment plus one year's interest on the amount unpaid.

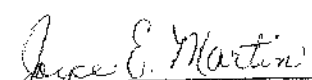
SECTION 3. This ordinance shall take effect and be in force from and after its publication as provided by law.

PASSED and APPROVED this 22ND day of DECEMBER, 1982.



Mayor

Attest:



City Clerk

ORDINANCE NO. 2635

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF GARNETT, KANSAS FOR THE PURPOSE OF PAYING THE COST OF CERTAIN SEWER IMPROVEMENTS IN AN AREA KNOWN AS THE MAPLEWOOD ADDITION.

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the improvement of said Maplewood Addition in the City of Garnett, Kansas.

WHEREAS, the Governing Body of the City of Garnett, Kansas has determined the total cost of such improvement to be \$5,377.00 with the entire actual cost of said improvements being assessed against the improvement district so created and apportioned pro rata to each of the four (4) lots of record contained within such improvement district.

WHEREAS, The Governing Body of the City of Garnett has, after due notice, met and determined the amount of such special assessments.

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

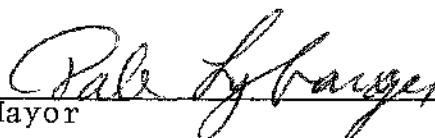
SECTION 1. Special Assessments to pay the cost of said improvement, with accrued interest, be and the same are hereby levied against the several lots, pieces and parcels of land liable for said special assessment for said improvement as follows:

DESCRIPTION OF PROPERTY	ASSESSMENT
Lot 3, Maplewood Addition	\$1,344.25
Lot 4, Maplewood Addition	\$1,344.25
Lot 5, Maplewood Addition	\$1,344.25
Lot 6, Maplewood Addition	\$1,344.25

SECTION 2. Such amounts levied and assessed as set forth in Section 1 of this ordinance shall be due and payable from and after the publication of this ordinance, and unless such assessments are paid within ten (10) days from the publication of this ordinance, bonds or notes will be issued therefore and the City Clerk shall certify to the County Clerk all of the above assessments which have not been paid, together with interest at a rate not to exceed ten (10) percent per annum, the specific rate of interest being the average net interest rate on the bonds or notes issued to pay for said improvements and such amounts so certified shall be placed on the tax rolls and collected as other taxes are collected over a period of four (4) years, the levy for each year being one-fourth of the principal amount of the assessment plus one year's interest on the amount unpaid.

SECTION 3. This ordinance shall take effect and be in force from and after its publication as provided by law.

PASSED and APPROVED this 22nd day of DECEMBER, 1982.



Mayor

Attest:



City Clerk

ORDINANCE NO. 2636

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:

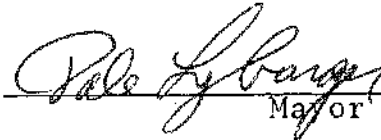
SECTION 1: Title 4, Chapter 4, Section 2A of the Municipal Code of the City of Garnett is hereby amended to read as follows:

4-4-2A: STANDARD RATE: All gas sold by the City of Garnett to each classification of user above established shall be charged for at the rate of \$5.22 per thousand cubic feet sold.

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

SECTION 3: This Ordinance shall take effect and be in force from and after December 1, 1982, and after its publication in an official City newspaper.

PASSED and APPROVED this 24th day of November, 1982



Mayor

Attest:



City Clerk

ORDINANCE NO. 2637

AN ORDINANCE AMENDING TITLE 10, CHAPTER 9, SECTION 2 OF THE MUNICIPAL CODE PROHIBITING CARELESS DRIVING; REPEALING EXISTING SECTION OF SAID CHAPTER AND TITLE.

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

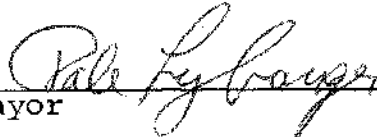
SECTION 1: Title 10, Chapter 9, Section 2 of the Municipal Code is hereby amended to read as follows:

10-9-2: CARELESS DRIVING: No person shall operate or halt any vehicle in careless or heedless disregard for the safety of persons or property.

SECTION 2: Title 10, Chapter 9, Section 2 of the Municipal Code as the same presently exists, is hereby repealed.

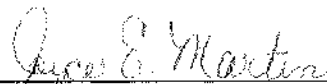
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 24th day of November, 1982.



Mayor

A T T E S T;



City Clerk

ORDINANCE NO. 2638

AN ORDINANCE RELATING TO SECURITY DEPOSITS FOR THE MUNICIPAL UTILITIES, GENERALLY INCREASING SUCH DEPOSITS AND PROVIDING OTHER RULES GOVERNING THE PAYMENT, RETENTION, AND REFUND THEREOF; AMENDING TITLE 4, CHAPTER 8, SECTIONS 1, 3, 6, AND 7 AND REPEALING THE FORM OF SUCH SECTIONS AS THE SAME PRESENTLY EXISTS.

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

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

4-8-1: UTILITIES SECURITY DEPOSIT REQUIRED;
PURPOSE STATED: For the purpose of guaranteeing payment of utility bills, there is hereby established a utility security deposit to be required from each customer requiring residential or general utility services from the municipal electric, gas, or water utility systems. Upon the discontinuance of such utility service, the City of Garnett may apply the said security deposit or so much thereof as is required, toward the payment of any accrued utility bills due from the consumer to the City of Garnett.

SECTION 2: Title 4, Chapter 8, Section 3 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

4-8-3: AMOUNT OF DEPOSITS: (A) No distinction shall be made in requiring a utility security deposit of any customer, regardless of the ownership of the specific property to which the customer's utility services are to be provided.

(B) The basic utility security deposit for both residential and general service utility customers shall be Fifty Dollars (\$50.00) for electrical service customers; Fifty Dollars (\$50.00) for gas service customers; and Twenty-five Dollars (\$25.00) for water service customers. Customers receiving more than one utility service shall pay the aggregate amount of such deposits due for the respective utility services they purchase.

(C) Any utility customer whose electrical, gas, or water utility services shall have been suspended, terminated, or shut off by reason of nonpayment of the charges therefor within a period of five (5) years (whether by the City of Garnett or any other utility supplier to the customer at any prior location), shall be liable to post and maintain a deposit as provided in this Chapter, but equal in amount to twice the amount of deposits set out in Subparagraph (B) of this Section.

SECTION 3: Title 4, Chapter 8, Section 6 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

4-8-6: REFUNDING OF DEPOSIT: (A) All utility security deposits shall be refunded, with accrued interest, upon termination or discontinuance of service, (i) to each customer who owes no outstanding account for such utility services, in full; or, (ii) to each customer who owes some outstanding account for such utility services, the balance, if any, after applying the deposit and accrued interest to the payment of such outstanding account.

(B) The City may, in its uncontrolled discretion, refund security deposits and any accrued interest prior to termination or discontinuance of service in those instances in which the customer has established a twelve (12) month consecutive period of on-time payment of monthly utility bills and otherwise has demonstrated credit worthiness. Any customer whose security deposit has been refunded under the provisions of this Subparagraph, but who fails to maintain thereafter consistent on-time payment of monthly utility bills, may be required again to post a security deposit in accordance with the deposit requirements then in effect for new customers. A customer who fails to redeposit such security deposit, after ten (10) days notice thereof, shall be subject to termination of all utility services provided by the City until such deposit is again posted. Notice shall be given by First Class Mail, postage prepaid, and addressed to the customer at his current billing address.

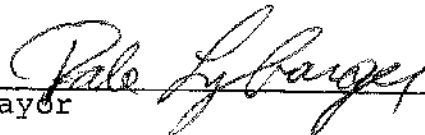
SECTION 4: Title 4, Chapter 8, Section 7 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

4-8-7: SERVICE BEGUN UPON DEPOSIT BEING MADE: After application for utility service by the customer, such services as required shall be provided upon the customer's placing the utility security deposit as provided by this Chapter.

SECTION 5: Title 4, Chapter 8, Sections 1, 3, 6, and 7 of the Municipal Code of the City of Garnett, Kansas, as the same presently exist, are hereby repealed.

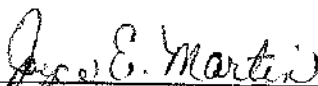
SECTION 6: This Ordinance shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett.

PASSED and APPROVED This 8th day of December, 1982.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2639

AN ORDINANCE ESTABLISHING A NEW FEE TO RESTORE UTILITIES TERMINATED BY REASON OF NONPAYMENT; AMENDING PARTS OF TITLE 4, CHAPTER 4, SECTION 8 AND TITLE 4, CHAPTER 4, SECTION 10; AND REPEALING EXISTING SECTIONS OF SAID CHAPTERS AND TITLES.

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

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

4-4-8: UTILITIES TO BE SHUT OFF FOR NON-PAYMENT OF BILLS; ESTABLISHING PROCEDURES FOR HEARING AND NOTICE THEREOF: In case of the failure of any person, partnership, or corporation to pay the utility charges incurred on his account, all utilities furnished on such account shall be shut off and terminated on the 25th day of the month due and shall not again be turned on or restored until all utility bills and claims due the City shall have been paid in full, including penalties and including in addition thereto any sum established as a turn on or utility restoration fee; provided, however, that at such time as a utility account becomes delinquent notice shall be given to the utility customer of his right to request a hearing not later than 4:30 p.m. on the 24th day of the month due, a hearing before the City Manager or his designated agent to contest the accuracy of such delinquency. The notice required by this section shall be transmitted to the utility customer by United States Mail, first class postage prepaid and properly addressed, to the last known address as shown by the utility records at City Hall, and such notice shall be substantially in the following form, to-wit:

You are hereby notified that you may request a hearing before the City Manager, or his designated agent, not later than 4:30 p.m. on the 24th day of this month if you contest the accuracy of this delinquency notice. If you do not request such a hearing and your account remains delinquent, utilities are subject to turn off.

This notice shall be given on the 16th day of the month when such account shall be due and when the same has become delinquent or on the first business day occurring after such 16th day of the month, but in no event shall such notice be given later than the 20th day of any such month. Such hearings shall be conducted by the City Manager, or at his direction the City Clerk, or some other person who is authorized to make any corrections found from such hearing to be necessary.

SECTION 2: Title 4, Chapter 4, Section 10 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows

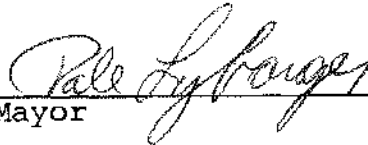
4-4-10: UTILITY TURN ON POLICY: Any municipal utilities disconnected by reason of nonpayment of the regular and customary charges therefor by the consumer, will not be turned on, restored, or reconnected:

- (a) On Saturdays, Sundays, holidays, or after normal working hours on any weekday; and then
- (b) Only after the payment of the sum of Twenty-five Dollars (\$25.00) 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.

SECTION 3: Title 4, Chapter 4, Sections 8 and 10 of the Municipal Code of the City of Garnett, Kansas, as and in the form such sections now exist, be and they 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 November, 1982.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2641

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 1982 BUDGET TO INCREASE THE EXPENDITURE CEILING FOR THE GAS UTILITY.

WHEREAS, Notice of Public Hearing has been duly and regularly given pursuant to resolution of this Governing Body; and

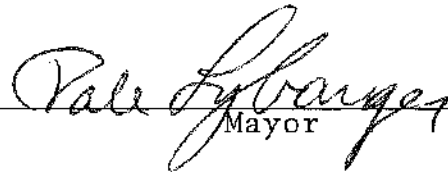
WHEREAS, At a public hearing convened and held at City Hall on the 22nd day of December, 1982, it was considered and found to be advisable to increase the present expenditure ceiling in the Gas Utility Fund as provided in said resolution and notice.

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

SECTION 1: The Gas Utility Fund is hereby amended to increase the expenditure ceiling from \$1,081,954.00 to \$1,281,954.00.

SECTION 2: That these amendments are made pursuant to the authority contained in the Kansas Budget Law to amend public budgets K.S.A. 79-2925, et seq. and shall take effect and be in force from and after the passage of this Ordinance and publication thereof one (1) time in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 22nd day of December, 1982.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2642

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, KANDAS:

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

Tract 1:

Beginning at a point 660 feet South and 60 feet East of the Northwest Corner of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East, thence East 161 feet, thence South 120 feet, thence West 161 feet, thence North 120 feet to place of beginning;

Tract 2:

The North 200 feet of the following, to-wit: Beginning at the Southwest Corner of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East, thence East 150 feet, thence North 475 feet, thence West 150 feet to a steel survey stake, thence South 475 feet to the place of beginning; and

Tract 3:

The West 230 feet of the following, to-wit: Beginning at a point 150 feet East of the Southwest Corner of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East, thence East 150 feet, thence North 475 feet, thence West 150 feet, thence South 475 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 the owners thereof having petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, such land being adjacent to an existing boundary of the said City of Garnett, Kansas, 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 newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 12th day of JANUARY, 1983.

Paul Lybarger
Mayor

A T T E S T:

Jayce E. Martin
City Clerk

PETITION FOR ANNEXATION

TO THE CITY OF GARNETT, KANSAS:

Come now MARY JANE HURLEY, a single person; WILLIAM J. HURLEY, a single person; RICHARD A. BROOKS and IOLA M. BROOKS, husband and wife; and ALBERT J. MACE and DOIIL M. MACE, husband and wife, as legal owners of the following described real estate situate in the County of Anderson and State of Kansas, to-wit:

Tract 1:

Beginning at a point 660 feet South and 60 feet East of the Northwest Corner of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East, thence East 161 feet, thence South 120 feet, thence West 161 feet, thence North 120 feet to place of beginning;

Tract 2:

The North 200 feet of the following, to-wit: Beginning at the Southwest Corner of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East, thence East 150 feet, thence North 475 feet, thence West 150 feet to a steel survey stake, thence South 475 feet to the place of beginning; and

Tract 3:

The West 230 feet of the following, to-wit: Beginning at a point 150 feet East of the Southwest Corner of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East, thence East 150 feet, thence North 475 feet, thence West 150 feet, thence South 475 feet to the place of beginning;

do hereby petition the City of Garnett, Kansas, for an ordinance annexing the above described land and in support of said Petition make the following statement:

1. That the above described land is adjacent to an existing boundary of the City of Garnett, Kansas, and as such meets one of the legal requirements for annexation pursuant to request by the owners or proprietors thereof.

Mary Jane Hurley
Mary Jane Hurley

Richard A. Brooks
Richard A. Brooks

William J. Hurley
William J. Hurley

Iola M. Brooks
Iola M. Brooks

Albert J. Mace
Albert J. Mace

Doii M. Mace
Doii M. Mace

STATE OF KANSAS, ANDERSON COUNTY, SS:

BE IT REMEMBERED, That on this 27th day of December, 1982, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came MARY JANE HURLEY, a single person, who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Seal, the day and year last above written.

Rose Marie Miller
Notary Public

My Appointment Expires: 7 September 1985

STATE OF KANSAS, ANDERSON COUNTY, SS:

BE IT REMEMBERED, That on this 27th day of December, 1982, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came WILLIAM J. HURLEY, a single person, who is personally known to me to be the same person who executed the within instrument of writing and such person duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Seal, the day and year last above written.

Rose Marie Miller
Notary Public

My Appointment Expires: 7 September 1985

STATE OF KANSAS, ANDERSON COUNTY, SS:

BE IT REMEMBERED, That on this 22nd day of December, 1982, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came RICHARD A. BROOKS and IOLA M. BROOKS, husband and wife, who are personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Seal, the day and year last above written.

Rose Marie Miller
Notary Public

My Appointment Expires: 7 September 1985

STATE OF KANSAS, ANDERSON COUNTY, SS:

BE IT REMEMBERED, That on this 23rd day of December, 1982, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came ALBERT J. MACE and DOI M. MACE, husband and wife, who are personally known to me to be the same persons who executed the within instrument of writing and such persons duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Seal, the day and year last above written.

Rose Marie Miller
Notary Public

My Appointment Expires: 7 September 1985

ORDINANCE NO. 2643

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 one year; 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 \$3,926.10 incurred through December 31, 1982 are hereby deleted from the City's accounting records.

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

PASSED and APPROVED this 12th day of January, 1983.



Mayor

Attest:



City Clerk

ATTACHMENT TO ORDINANCE NO. 2643

Jim Miller	\$ 31.38
Betty Shafer	50.15
Clark Tucker	67.93
Lawrence Adkinson	261.13
Linda White	59.87
Luke Hunziker	66.78
Bobbie Wilson	117.52
Connie Roach	89.04
Mary E. Malone	16.28
Dan Benjamin	49.44
William Lickteig	223.55
Patty Luker	116.72
Doris Barnett	137.61
Joe E. Autrey	118.22
D.L. Crider	68.22
Alice Chase	417.66
Gary Everwein	104.68
Ed Toomey	347.75
Roy A. Studdard	36.17
Steve Penson	15.30
Steven R. Jessup	271.65
James Berry	62.89
Birdene Price	75.26
Richard Evans	71.03
E.J. Toomey	981.91
Hometown Hardware	<u>67.96</u>

\$3,926.10

(Published in the Anderson Countian, February, 3, 1983.)

ORDINANCE NO. 2644

AN ORDINANCE AUTHORIZING CERTAIN IMPROVEMENTS TO THE COMBINED WATER AND SEWAGE SYSTEM OF THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF, AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES FROM TIME TO TIME TO TEMPORARILY FINANCE A PORTION OF THE COSTS OF SAID IMPROVEMENTS; AND AUTHORIZING APPLICATION TO THE BOARD OF TAX APPEALS OF THE STATE OF KANSAS FOR ITS APPROVAL OF THE ISSUANCE OF SAID TEMPORARY NOTES.

WHEREAS, the governing body of the City of Garnett, Kansas (the "City"), has heretofore by Resolution No. 12/8/82-2 of the City, duly adopted on December 8, 1982 (the "Resolution"), found and determined it to be necessary to extend, enlarge and improve the City's combined water and sewage system by constructing certain interceptor sewer, treatment plant and sewer system rehabilitation improvements at a total estimated cost of \$2,401,600 (the "Improvements") of which \$1,581,690 shall be paid from the proceeds of an anticipated federal grant from the United States Environmental Protection Agency, and \$820,000 shall be chargeable to the City and shall be paid by the issuance of water and sewage system revenue bonds of the City pursuant to K.S.A. 12-856 et seq., as amended, and all other applicable provisions of the laws of the State of Kansas; and

WHEREAS, the Resolution was duly published in the official City newspaper one time on December 13, 1982, as required by law, and more than fifteen days have elapsed since the date of said publication, and there have been no written protest against the construction of the Improvements or the issuance of said water and sewage system revenue bonds filed with the City Clerk; and

WHEREAS, it is necessary for the City to provide cash funds in the amount not to exceed \$350,000 to meet its obligations incurred in constructing the Improvements prior to receipt of the total amount of said federal grant, and it is desirable and in the interest of the City that such funds be raised by the issuance of temporary notes of the City, said notes to be issued by the City pursuant to K.S.A. 12-1662 to K.S.A. 12-1672, inclusive, as amended (the "Act");

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

ON RECEIPT OF PUBLICATION OF SAID ORDINANCE AND EVIDENCE of a written commitment from the United States Environmental Protection Agency for a grant in the amount of \$1,581,600 in support of said request.

Wherefore, the City of Garnett of the State of Kansas requests that the Board of Tax Appeals of the State of Kansas grant this

Section 1. Appropriate City officials are hereby authorized and directed to construct the Improvements to the sewage system in accordance with the plans and specifications on file in the office of the City Clerk.

Section 2. The total estimated cost of the Improvements is \$2,401,600 of which \$820,000 shall be chargeable to the City and shall be paid for by the issuance of sewage system revenue bonds of the City pursuant to K.S.A. 12-856 et seq., as amended, and \$1,581,690 shall be paid for with an anticipated federal grant for which the City has received a written commitment from the United States Environmental Protection Agency.

Section 3. In order to temporarily finance the cost of the Improvements until all of the proceeds of the federal grant are available, there shall be issued temporary notes of the City in an aggregate principal amount not to exceed \$350,000 (the "Notes"). The Notes shall be issued from time to time by resolution or resolutions of the City, which shall provide the details of the Notes, including their dates, terms and maturity. The Notes shall be redeemable at the option of the City and any time prior to maturity at the principal amount thereof, plus accrued interest to date of payment, upon five days' written notice delivered to the original purchaser of the Notes. No Notes will be issued unless and until approval thereof has been received from the Board of Tax Appeals of the State of Kansas as required by law.

Section 4. The Notes to be issued shall be in substantially the following form:

CITY OF GARNETT, KANSAS

TEMPORARY NOTE IN ANTICIPATION OF FEDERAL AID
SERIES _____

NO. _____ \$ _____

KNOW ALL MEN BY THESE PRESENTS: That the City of Garnett, in the County of Anderson, State of Kansas (the "City"), for value received, hereby acknowledges itself to be indebted and promises to pay to the bearer the principal sum of _____ Dollars (\$ _____), on _____, 19____, or when the proceeds of a grant from the United States Environmental Protection Agency are received, whichever date occurs earliest, and to pay interest thereon from the date hereof at the rate of _____ percent (_____%) per annum, payable at maturity, both principal and interest being payable in lawful money of the United States of America at the office of the City Treasurer.

THE CITY HEREBY reserves the right to redeem and pay this Note at any time prior to its maturity at the principal amount thereof, plus accrued interest to date of payment, upon five days' written notice delivered to the original purchaser.

THIS NOTE is one of a series of Temporary Notes in Anticipation of Federal Aid, designated Series _____, in an authorized aggregate principal amount not exceeding \$350,000, issued pursuant to K.S.A. 12-1662 to K.S.A. 12-1672, inclusive, as amended, for the purpose of providing funds to pay the cost of constructing certain improvements to the City's combined water and sewage system, said improvements having been duly and regularly authorized by the governing body of the City, the cost of which is to be paid for in part by the issuance of water and sewage system revenue bonds of the City and in part from the proceeds of a federal grant from the United States Environmental Protection Agency, such improvements being made under the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and statutes of the State of Kansas, including K.S.A. 12-856 et seq., as amended, and all other provisions of the laws of said State applicable thereto.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions and things required to be done and to exist precedent to and in the issuance of this Note have been properly done and performed and do exist in regular and due form as required by the Constitution and laws of the State of Kansas, and that the total indebtedness of the City, including this Note, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Garnett, Kansas, has caused this Note to be signed by its proper officers and its corporate seal to be affixed, and the same to be dated this _____ day of _____, 198_.

[SEAL]

Mayor

ATTEST:

City Clerk

This Note shall not be negotiable unless and until countersigned below by the City Clerk following registration by the Treasurer of the State of Kansas.

City Clerk

CITY CLERK'S CERTIFICATE

STATE OF KANSAS)
) SS.
COUNTY OF ANDERSON)

I, the undersigned, City Clerk of the City of Garnett, Kansas, hereby certify that the within Note has been duly registered in my office according to law on _____
_____.

WITNESS my hand and official seal.

[SEAL]

City Clerk

STATE TREASURER'S CERTIFICATE

STATE OF KANSAS)
) SS.
COUNTY OF SHAWNEE)

I, JOAN FINNEY, Treasurer of the State of Kansas, do hereby certify that a full and complete transcript of the proceedings leading up to the issuance of this Note has been filed in my office, and that this Note has been registered in my office according to the law this _____.

WITNESS My Hand and Official Seal.

[SEAL]

Treasurer of the State of Kansas

By: _____
Assistant State Treasurer

Section 5. The Mayor and City Clerk of the City are hereby authorized and directed to prepare and execute each of the Notes in accordance with the terms of this Ordinance and the terms of the subsequent resolution or resolutions of the City

providing for the same. The Notes may be delivered to such persons having claims against the City in connection with the Improvements, or they may be sold at private or public sale at not less than par and accrued interest, and the proceeds applied to the payment of actual costs of the Improvements.

Section 6. The Mayor of the City is hereby authorized and directed to make application to the Board of Tax Appeals of the State of Kansas for its approval of the issuance of the Notes, and said Mayor, or anyone designated by him, is hereby further authorized and directed to do all things necessary to facilitate the granting of said approval.

Section 7. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication once in the official City newspaper.

PASSED by the Governing Body of the City of Garnett,
this 26th day of January, 1983.



Mayor *Blaha*

App

1. The applicant requests a grant of \$350,000 to be used for the purchase of land in the State of Kansas for the purpose of establishing a State Environmental Area. The applicant requests that the City of Garnett contribute to its cost of the purchase of the land in an amount not to exceed \$350,000 and submit a written contract to the State Environmental Commission prior to receipt of the grant.
2. The applicant requests a grant of \$350,000 to be used for the purchase of land in the State of Kansas for the purpose of establishing a State Environmental Area. The applicant requests that the City of Garnett contribute to its cost of the purchase of the land in an amount not to exceed \$350,000 and submit a written contract to the State Environmental Commission prior to receipt of the grant.
3. The applicant requests a grant of \$350,000 to be used for the purchase of land in the State of Kansas for the purpose of establishing a State Environmental Area. The applicant requests that the City of Garnett contribute to its cost of the purchase of the land in an amount not to exceed \$350,000 and submit a written contract to the State Environmental Commission prior to receipt of the grant.

providing for the same. The Notes may be delivered to such persons having claims against the City in connection with the Improvements, or they may be sold at private or public sale at not less than par and accrued interest, and the proceeds applied to the payment of actual costs of the Improvements.

Section 6. The Mayor of the City is hereby authorized and directed to make application to the Board of Tax Appeals of the State of Kansas for its approval of the issuance of the Notes, and said Mayor, or anyone designated by him, is hereby further authorized and directed to do all things necessary to facilitate the granting of said approval.

Section 7. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication once in the official City newspaper.

PASSED by the Governing Body of the City of Garnett, Kansas, this 26th day of January, 1983.



Keneth Blaha
Mayor

Jane E. Martin
City Clerk

BEFORE THE BOARD OF TAX APPEALS
OF THE STATE OF KANSAS

In the Matter of the Application of)
the City of Garnett, Kansas, for)
Approval of the Issuance of Temporary)
Notes in Anticipation of Federal Aid)
pursuant to K.S.A. 12-1662 to)
K.S.A. 12-1672, inclusive, as amended)

APPLICATION

COMES NOW the City of Garnett of the State of Kansas, by its duly authorized Mayor, and for its application to the Board of Tax Appeals of the State of Kansas states:

1. The Board of Tax Appeals has jurisdiction of the subject matter and the party to this application, pursuant to K.S.A. 12-1662 to K.S.A. 12-1672, inclusive, as amended.
2. The applicant has duly authorized certain improvements to its combined water and sewage system, has received written commitment of a federal grant from the United States Environmental Protection Agency to pay a portion of the costs of said improvements and will need cash funds in an amount not to exceed \$350,000 to meet its obligations incurred in constructing said improvements prior to receipt of the total amount of said federal grant.
3. The applicant requests authority to issue temporary notes in anticipation of federal aid in an amount not to exceed \$350,000 and submits its Ordinance No. 2644 adopted by its governing body on January 26, 1983, an Affidavit of Publication of said Ordinance and evidence of a written commitment from the United States Environmental Protection Agency for a grant in the amount of \$1,581,600 in support of said request.

Wherefore, the City of Garnett of the State of Kansas requests that the Board of Tax Appeals of the State of Kansas grant this

ORDINANCE NO. 2645

AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF GARNETT, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-519, ET SEQ.; AND REPEALING ORDINANCE NO. 2642

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 a point 660 feet South and 60 feet East of the Northwest Corner of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East, thence East 161 feet, thence South 120 feet, thence West 161 feet, thence North 120 feet to place of beginning;

Tract 2:

The North 200 feet of the following, to-wit: Beginning at the Southwest Corner of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East, thence East 150 feet, thence North 475 feet, thence West 150 feet to a steel survey stake, thence South 475 feet to the place of beginning; and

Tract 3:


The North 230 feet of the following, to-wit: Beginning at a point 150 feet East of the Southwest Corner of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East, thence East 150 feet, thence North 475 feet, thence West 150 feet, thence South 475 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 the owners thereof having petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, such land being adjacent to an existing boundary of the said City of Garnett, Kansas, is hereby annexed to and made a part of the City of Garnett, Kansas.

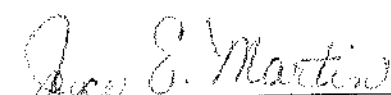
SECTION 2: Ordinance No. 2642 of the City of Garnett, Kansas, is hereby repealed.

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 26th day of January, 1983.


 Mayor *Ken Calabrese*

A T T E S T:


 City Clerk

ORDINANCE NO. 2646

AN ORDINANCE AMENDING TITLE 4, CHAPTER 8, SECTION 5 OF THE MUNICIPAL CODE RELATING TO INTEREST PAID ON UTILITY SECURITY DEPOSITS; AND 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 8, Section 5 of the Municipal Code of the City of Garnett, Kansas, 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 them under 1983 House Bill 2831, or any act amendatory thereto. Such interest shall be paid at the rate in effect at the time of the making of the original deposit and interest shall accrue at such rate from that date.

SECTION 2: Title 4, Chapter 8, Section 5 of the Municipal Code of the City of Garnett, Kansas, as the same presently exists, is hereby repealed.

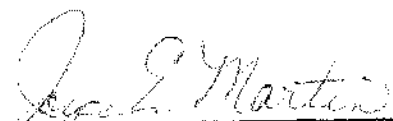
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 26th day of January, 1983.



Mayor *Victor*

A T T E S T:



City Clerk

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTIONS 1 THROUGH 2A INCLUSIVE OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, GENERALLY ADDING THE ADDITIONAL CLASS OF INDUSTRIAL USER AND PROVIDING A RATE FOR SUCH CLASS FOR DELIVERY OF GAS UTILITY SERVICE BY THE CITY OF GARNETT; REPEALING EXISTING SECTIONS 1 THROUGH 2A INCLUSIVE OF SAID TITLE 4, CHAPTER 4.

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

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

4-4-1: GAS UTILITY SERVICE; CLASSIFICATION OF USERS: Users of the gas utility of the City of Garnett are hereby classified and defined as follows:

(A) Residential Service - Standard:

1. This classification of service shall be available only in the territory served by the City's gas utility which lies within the corporate limits of said City.
2. It shall be applicable to all gas service required for residential purposes in individual, private dwellings and individually metered apartments and trailers. Resale of gas under this classification shall not be permitted.

(B) Residential Service - Outside City:

1. This classification of service shall be available in all territory served by the City gas utility and which lies outside the corporate limits of said City.
2. It shall be applicable to all gas service required for residential purposes in individual, private dwellings and individually metered apartments and trailers. Resale of gas under this classification shall not be permitted.

(C) General Service:

1. This classification of service shall be available only in the territory served by the City's gas utility which lies within the corporate limits of said City.
2. It shall be applicable to any customer served within the corporate limits of the City of Garnett whose gas service is not provided for by any other rate classification.

(D) General Service - Outside City:

1. This classification of service shall be available in all territory served by the City gas utility and which lies outside the corporate limits of said City.
2. It shall be applicable to any customer served outside the corporate limits of the City of Garnett whose gas service is not provided for by any other rate classification.

(E) Industrial Service:

1. This classification of service shall be available only in the territory served by the City gas utility which lies within the corporate limits of said City.
2. It shall be applicable to any customer served within the corporate limits of the City of Garnett who otherwise would be classified as general service user, but who is using natural gas for industrial purposes and who meets the qualifications for industrial classification as set by the City's natural gas supplier, according to the approved rates and tariffs of said natural gas supplier. The City Manager is authorized to promulgate and establish an orderly process whereby any general service customer may apply for rating as an industrial service customer.

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

4-4-2: GAS SERVICE; PERIODIC RATES: The following rates for the use of the gas utility are hereby established to users and consumers of the City:

(A) Residential Service - Standard:

The net rate per month for gas purchased under this classification shall be the sum of the customer charge, which is hereby established at two dollars (\$2.00) per month, plus a gas charge which shall be computed at the standard rate hereinafter fixed for each one thousand (1,000) cubic feet consumed.

(B) Residential Service - Outside City:

The net rate per month for gas purchased under this classification shall be the sum of the customer charge, which is hereby established at three dollars (\$3.00) per month, plus a gas charge which shall be computed at the standard rate hereinafter fixed for each one thousand (1,000) cubic feet consumed.

(C) General Service:

The net rate per month for gas purchased under this classification shall be the sum of the customer charge, which is hereby established at two dollars fifty cents (\$2.50) per month, plus a gas charge which shall be computed at the standard rate hereinafter fixed for each one thousand (1,000) cubic feet consumed.

(D) General Service - Outside City:

The net rate per month for gas purchased under this classification shall be the sum of the customer charge, which is hereby established at three dollars fifty cents (\$3.50) per month, plus a gas charge which shall be computed at the standard rate hereinafter fixed for each one thousand (1,000) cubic feet consumed.

(E) Industrial Service:

The net rate per month for gas purchased under this classification shall be the sum of the customer charge, which is hereby established at two dollars fifty cents (\$2.50) per month, plus a gas charge which shall be computed at the industrial rate hereinafter fixed for each one thousand (1,000) cubic feet consumed.

SECTION 3: 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 twenty-two cents (\$5.22) 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 seventy-nine cents (\$4.79) per thousand (1,000) cubic feet sold.

SECTION 4: Title 4, Chapter 4, Sections 1 through 2A inclusive, of the Municipal Code of the City of Garnett, as the same presently exists, are hereby repealed.

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 and APPROVED This 9th day of February, 1983.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2649

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF GARNETT, KANSAS, TO FINANCE SEWER IMPROVEMENTS IN THE MAPLEWOOD IMPROVEMENT DISTRICT, 1980 AND STREET IMPROVEMENTS IN THE CATALPA STREET IMPROVEMENT DISTRICT, 1980 UNTIL SUCH TIME AS BONDS THEREFOR ARE ISSUED.

WHEREAS, Under proceedings duly and regularly had for the improvement of Catalpa Street, a public street within the City of Garnett, Kansas in the Catalpa Street Improvement District 1980, and for the extension of sewers to the Maplewood Addition to the City of Garnett, in the Maplewood Improvement District, 1980, said municipal improvements are now under contract and work progressing toward completion thereof; and

WHEREAS, The City of Garnett is obligated to make progress payments under said contract and to pay the entire contract sum upon the immediate completion of such work; and

WHEREAS, The City has no funds with which to finance such improvements until bonds are issued; and

WHEREAS, Pursuant to K.S.A. 10-123 (1980 Supp.) proper and full authority is conferred on the said City of Garnett to issue its temporary notes for the purpose of financing the improvements aforesaid.

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

SECTION 1: That for the purpose of providing funds to pay for the costs of sewer improvements to the Maplewood Addition and street improvements to Catalpa Street within the City of Garnett, Kansas in the improvement districts respectively designated and known as Maplewood Improvement District, 1980 and Catalpa Street Improvement District, 1980 respectively created by Ordinance No. 2557 and Ordinance No. 2566, and until bonds can be issued therefor, the Mayor and City Clerk be and they are hereby authorized to issue temporary notes of the City of Garnett, Kansas not to exceed \$19,500.00 in the aggregate, which said notes shall be consecutively numbered and shall bear interest at the rate of ten percent (10%) per annum and maturing on the 31st day of March, 1987, but which will be redeemable and cancellable at the time permanent bonds are issued in lieu thereof. Said temporary notes shall be issued from time to time as required during the progress of the work and shall not exceed in the aggregate amount of \$19,500.00, said sum not being greater than the approved estimated cost of such improvement projects and the amount for which bonds are to be issued.

SECTION 2: That said notes shall be signed by the Mayor and attested by the City Clerk under the corporate seal of the City and when the same have been executed, they shall be registered as is provided by law.

SECTION 3. That said temporary notes shall contain recitals and be generally in the form and style as provided by the laws of the State of Kansas.

SECTION 4: That the said City is authorized under K.S.A. 12-6a01, et seq., to make said improvements, and by K.S.A. 12-6a14(c) and (d) to issue bonds and temporary notes in payment of the same.

SECTION 5: That this Ordinance shall take effect and be in force from and after its passage and its publication in an official City newspaper, as provided by law.

PASSED and APPROVED this 23rd day of February, 1983.


Dale Lybarger
Mayor

ATTEST:


Joyce E. Martin
City Clerk

ORDINANCE NO. 2650

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LANDS LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 2230 OF SAID CITY.

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

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

Beginning at a point 253 feet north of the Southwest Corner of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East, Anderson County, Kansas. This point also being the Northwest Corner of Ellis Addition to the City of Garnett. Thence East 235 feet, thence North 265 feet, thence East 388 feet, thence North 148 feet, thence West 210.4 feet, thence North 660 feet, thence West 15.5 feet, thence in a northerly direction 300 feet, thence west 401.5 feet to Section Line, thence South on Section Line 1375 feet to place of beginning, Maplewood Addition to the City of Garnett;

is hereby changed from Agricultural District A-1 to Highway Commercial District C-3.

SECTION 2: Upon this Ordinance becoming effective, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said Official Zoning Map is hereby reincorporated as amended as a part of Ordinance No. 2230.

SECTION 3: This Ordinance shall take effect and be in force from and after its passage and publication in The Anderson Countian, the official City newspaper.

PASSED By the Commission and approved this 9th day of March, 19 83.

Paul Lybarger
Mayor

A T T E S T:

Jaco E. Martin
City Clerk

ORDINANCE NO. 2651

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LANDS LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 2230 OF SAID CITY.

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

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

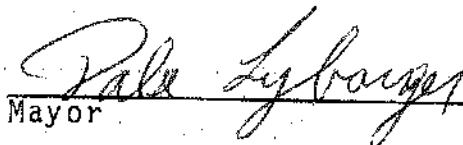
Beginning at the Northwest Corner of the Southwest Quarter (SW/4), Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East, Anderson County, Kansas, thence east on Section Line 308 feet, thence North 158 feet, thence East 364.3 feet, thence South 188 feet to Section Line, thence West 139.08 feet, thence South 250 feet, thence West 92 feet, thence South to railroad right-of-way, thence West 439.32 feet, thence North 309.6 feet to the place of beginning, Eastgate Addition to the City of Garnett;

is hereby changed from Agricultural District A-1 to Residential District R-2.

SECTION 2: Upon this Ordinance becoming effective, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said Official Zoning Map is hereby reincorporated as amended as a part of Ordinance No. 2230.

SECTION 3: This Ordinance shall take effect and be in force from and after its passage and publication in The Anderson Countian, the official City newspaper.

PASSED By the Commission and approved this 9th day of March, 19 83.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LANDS LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 2230 OF SAID CITY.

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

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

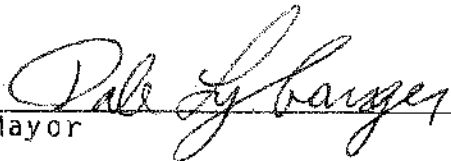
Commencing at a point 92 rods West of the Southeast Corner of the Southeast Quarter (SE/4) of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence running North 400 feet, thence running East 594 feet, thence running South 400 feet, thence running West 594 feet to the place of beginning, BRP Addition in the City of Garnett;

is hereby changed from Agricultural District A-1 to Residential District R-1.

SECTION 2: Upon this Ordinance becoming effective, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said Official Zoning Map is hereby reincorporated as amended as a part of Ordinance No. 2230.

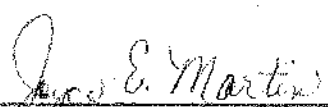
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and publication in The Anderson Countian, the official City newspaper.

PASSED By the Commission and approved this 9th day of March, 19 83.



Mayor

A T T E S T:



City Clerk

=====

ORDINANCE NO. 2654

OF THE

CITY OF GARNETT, KANSAS

ADOPTED

April 12, 1983

\$900,000
GENERAL OBLIGATION BONDS
SERIES 1983

=====

[PUBLISHED IN THE ANDERSON COUNTIAN ON April 18, 1983]

ORDINANCE NO. 2654

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE AND DELIVERY OF \$900,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 1983, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF CERTAIN IMPROVEMENTS; PRESCRIBING THE FORM AND DETAILS OF SAID BONDS; AND PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE.

WHEREAS, pursuant to K.S.A. 12-856 to 12-868, inclusive, as amended, the City of Garnett, Kansas (the "City"), has combined its water and sewage system; and

WHEREAS, pursuant to K.S.A. 12-857, as amended, the City may issue general obligation bonds for the improvement of said combined water and sewage system in the same manner and subject to the same limitations as such City could issue if it has not combined the system; and

WHEREAS, K.S.A. 12-801 to 12-803, inclusive, as amended (the "Act"), authorizes a city to issue its general obligation bonds to purchase, construct or extend its waterworks if the question of such issuance is approved by a majority of the qualified electors thereof; and

WHEREAS, pursuant to the Act, the City duly held a special question-submitted election on July 7, 1981, for the purpose of submitting to the qualified electors of the City a proposition to authorize the issuance of general obligation bonds of the City in an amount not exceeding \$900,000 for the purpose of paying for part of the costs of certain enlargements, extensions and improvements to the City's combined water and sewage system including construction of a water supply reservoir and related improvements (the "Improvements"), and it was found and determined that a majority of the qualified electors of the City voting on the question voted in favor of the issuance of said bonds for the aforesaid purpose; 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 costs of the Improvements and related expenses are at least \$900,000, with \$900,000 of said costs to be paid by the issuance of general obligation bonds of the City; and

WHEREAS, the governing body of the City has advertised the sale of its general obligation bonds in accordance with law and at a meeting held in the City on April 12, 1983, awarded the sale of the bonds to the lowest bidder; and

WHEREAS, the governing body of the City hereby finds and determines that it is necessary for the City to authorize the issuance and delivery of its general obligation bonds in the principal amount of \$900,000 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. Authorization of and Security for the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Bonds, Series 1983, of the City in the principal amount of \$900,000 (the "Bonds") for the purpose of providing funds to pay the cost 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 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 2. Description of the Bonds, Designation of Paying Agent. The Bonds shall consist of negotiable coupon Bonds, numbered from 1 consecutively upward, in the denomination of \$5,000 each. All of the Bonds shall be dated April 1, 1983, shall become due serially on October 1 in the years, and shall bear interest from the date thereof as follows:

<u>BOND NUMBERS</u>	<u>MATURITY OCTOBER 1</u>	<u>PRINCIPAL AMOUNT</u>	<u>INTEREST RATE</u>
1	1984	\$ 5,000	8.75
2	1985	5,000	8.75
3	1986	5,000	8.75
4	1987	5,000	8.75
5	1988	5,000	8.75
6	1989	5,000	8.75
7 - 10	1990	20,000	9.00
11 - 16	1991	30,000	9.00
17 - 23	1992	35,000	9.25
24 - 30	1993	35,000	9.25
31 - 38	1994	40,000	9.5
39 - 51	1995	65,000	9.75
52 - 65	1996	70,000	9.75
66 - 80	1997	75,000	9.75
81 - 97	1998	85,000	10.00
98 - 115	1999	90,000	10.00
116 - 135	2000	100,000	10.00
136 - 156	2001	105,000	10.00
157 - 180	2002	120,000	10.00

Interest on the Bonds at the rates aforesaid shall be payable semiannually on April 1 and October 1 of each year, beginning on October 1, 1983. Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America at the office of the State Treasurer in the City of Topeka, Kansas, in the City of Topeka, Kansas (the "Paying Agent").

Section 3. Redemption of the Bonds. Bonds maturing in the years 1984 to 1993, inclusive, shall become due without option of prior payment. At the option of the City, Bonds maturing on October 1, 1994, and thereafter, may be called for redemption and payment prior to maturity in whole or in part in inverse numerical order on October 1, 1993, or on any interest payment date thereafter at the redemption prices set forth below (expressed as percentages of the principal amount), plus accrued interest thereon to the date of redemption:

<u>Redemption Dates</u>	<u>Redemption Price</u>
October 1, 1993, and April 1, 1994	101.00%
October 1, 1994, and April 1, 1995	100.50%
October 1, 1995, and thereafter	100.00%

If the City shall elect to call any Bonds for redemption and payment prior to the maturity thereof, the City shall publish once in a financial journal published in New York, New York, a notice of the intention of the City to call and pay said Bonds, the same being described by number and maturity, said notice to be published not less than 30 days prior to the date on which said Bonds are called for payment. The City

shall also give written notice of its intention to call and pay said Bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the Paying Agent and to the manager or managers of the underwriting account originally purchasing the Bonds, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. If any Bond be called for redemption and payment as aforesaid, all interest on such Bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Section 4. Method of Execution of the Bonds. Each of the Bonds shall be signed by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk and shall have the seal of the City affixed or imprinted thereon. Interest coupons shall be attached to the Bonds representing the interest thereon, which interest coupons shall bear the facsimile signatures of the Mayor and City Clerk.

Section 5. Form of Bonds. Each of the Bonds and the coupons affixed thereto shall be in substantially the following form:

(FORM OF COUPON BOND)

No. _____

\$ _____

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF ANDERSON

CITY OF GARNETT, KANSAS

GENERAL OBLIGATION BOND
SERIES 1983

KNOW ALL MEN BY THESE PRESENTS: That the CITY OF GARNETT, in the County of Anderson, State of Kansas (the "City"), for value received, hereby acknowledges itself to be indebted and promises to pay to the bearer the sum of

_____ THOUSAND DOLLARS

on the first day of October 1, _____, and to pay interest thereon from the date hereof at the rate of _____ percent (____%) per annum, payable semiannually on April 1 and October 1 in each year, beginning on October 1, 1983, until said principal sum has been paid, upon presentation and surrender of the interest coupons hereto annexed as said coupons severally become due. Both principal of and interest on this Bond shall be payable in

lawful money of the United States of America at the office of the State Treasurer in the City of Topeka, Kansas, in the City of Topeka, Kansas, (the "Paying Agent").

THIS BOND is one of an authorized series of negotiable coupon bonds of the City designated "General Obligation Bonds, Series 1983", of like date, denomination and tenor excepting number, interest rate, privilege of redemption and maturity, aggregating the principal amount of \$900,000 (the "Bonds"), issued by the City for the purpose of providing funds to pay the cost of extending, enlarging and improving the combined water and sewage system under the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and statutes of the State of Kansas, including K.S.A. 12-801 to 12-803, inclusive, as amended, K.S.A. 12-856 to 12-868, inclusive, as amended, and all other laws of said State applicable thereto, and pursuant to proceedings duly and legally had by the governing body of the City, and the Bonds and all interest thereon are to be paid by the City.

BONDS of the series of which this Bond is a part becoming due on October 1, 1994, and thereafter may be redeemed and paid prior to maturity, at the option of the City as a whole or in part, in inverse numerical order on October 1, 1993, or on any interest payment date thereafter, at the redemption prices set forth below plus accrued interest to the date of redemption:

<u>Redemption Dates</u>	<u>Redemption Price</u>
October 1, 1993, and April 1, 1994	101.00%
October 1, 1994, and April 1, 1995	100.50%
October 1, 1995, and thereafter	100.00%

If any Bonds are called for redemption and payment prior to maturity, the City shall publish once in a financial journal published in New York, New York, a notice of the intention of the City to call and pay said Bonds, the same being described by number and maturity, said notice to be published not less than 30 days prior to the date on which said Bonds are called for payment. The City will also give written notice of its intention to call and pay such Bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the Paying Agent and to the manager or managers of the underwriting account originally purchasing the Bonds, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. All Bonds so called for redemption and payment as aforesaid shall cease to bear interest from and after the date for which such call is made, provided funds are available for the payment of such Bonds at the price hereinbefore specified.

THE BONDS constitute 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.

IT IS HEREBY DECLARED AND CERTIFIED that all acts, conditions and things required to be done and to exist precedent to and in the issuance of the Bonds have been done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas; that provision has been made for the levy of an annual tax upon all taxable tangible property situated in the City for the purpose of paying the principal of and interest on the Bonds when due; and that the total indebtedness of the City, including this Bond and the series of which it is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City has caused this Bond to be signed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk, and its corporate seal to be affixed or imprinted hereon, and has caused the annexed interest coupons to be executed with the facsimile signatures of said Mayor and City Clerk, and this Bond to be dated as of April 1, 1983.

CITY OF GARNETT, KANSAS

(Seal)

By _____
Mayor

ATTEST:

City Clerk

Registration No. 1-0483-002-009

=====

(FORM OF INTEREST COUPON)

(First coupon due _____ 1, 19__)

The CITY OF GARNETT, KANSAS, promises to) On _____ 1,
 pay to bearer the amount shown hereon, in) _____ 1, 19__
 lawful money of the United States of America,)
 at THE OFFICE OF THE STATE TREASURER OF THE)
 STATE OF KANSAS, Topeka, Kansas, upon)
 presentation and surrender of this coupon,) \$ _____
 being interest then due on its GENERAL)
 OBLIGATION BOND, SERIES 1983, dated April 1,) Bond No. _____
 1983, No. _____) Coupon No. _____

(facsimile)

Mayor

ATTEST:

(facsimile)

City Clerk

Registration No. 1-0483-002-009

=====
(FORM OF CITY CLERK'S CERTIFICATE)

STATE OF KANSAS)
) SS.
 COUNTY OF ANDERSON)

I, the undersigned, City Clerk of the City of Garnett, Kansas, hereby certify that the within Bond has been duly registered in my office according to law.

WITNESS my hand and official seal this _____.

(Seal)

City Clerk

(FORM OF STATE TREASURER'S CERTIFICATE)

OFFICE OF THE TREASURER OF THE STATE OF KANSAS

STATE OF KANSAS)
) SS.
COUNTY OF SHAWNEE)

I, JOAN FINNEY, Treasurer of the State of Kansas, do hereby certify that a full and complete transcript of the proceedings leading up to the issuance of this Bond has been filed in my office, and that this Bond and the coupons attached hereto were registered in my office according to law this _____.

WITNESS My Hand and Official Seal.

(Seal)

Treasurer of the State of Kansas

BY: _____
Assistant State Treasurer

Section 6. Execution and Delivery of the Bonds. The Mayor and City Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner hereinbefore specified, and to cause the Bonds to be registered in the office of the City Clerk and the State Treasurer as provided by law, and, when duly executed and registered, to deliver the Bonds to George K. Baum, Kansas City, Mo., the original purchaser of the Bonds, upon receipt by the City of the purchase price of the Bonds, which purchase price shall be not less than 100% of the principal amount of the Bonds plus accrued interest to the date of their delivery.

Section 7. Disposition of Bond Proceeds. All accrued interest and premium, if any, received from the sale of the Bonds shall be deposited in the Bond and Interest Fund held by the City Treasurer for the retirement of general obligation bonds of the City.

The remaining balance of the proceeds derived from the sale of the Bonds shall be deposited in the City Treasury and shall be used solely for the purpose of providing funds to pay the cost of the Improvements, as hereinbefore provided.

Section 8. Levy and Collection of Annual Tax. The governing body of the City shall annually make provision for the payment of principal of and interest on the Bonds as the same become due by levying and collecting the necessary taxes upon all of the taxable tangible property within the City in the manner provided by law.

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other taxes of the City are levied and collected, and the proceeds derived from said taxes shall be deposited in the Bond and Interest Fund of the City and shall be used exclusively for payment of the principal of and interest on the Bonds as the same become due and payment of the Paying Agent's fees.

If at any time said 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 said principal or interest out of the general funds of the City and to reimburse said general funds for money so expended when said taxes are collected.

Section 9. Transfer of Funds to Paying Agent. The City Treasurer is hereby authorized and directed to withdraw from the bond and interest Fund and forward to the Paying Agent sums sufficient to pay both principal of and interest on the Bonds as and when the same become due, and also to pay the charges made by said Paying Agent for acting as fiscal agent in the payment of principal and interest on the Bonds, and said charges shall be forwarded to the Paying Agent over and above the amount of the principal of and interest on the Bonds.

Section 10. Effective Date. This Ordinance shall take effect and be in full force from and after its adoption by the City Commission and publication in the official City newspaper.

ADOPTED by the City Commission of the City of Garnett, Kansas this 12th day of April 1983.



Kenneth Calahan
Mayor *Dr. Tom*

James E. Martin
City Clerk

AN ORDINANCE AMENDING TITLE 4, CHAPTER 6, SECTIONS 4 AND 7 OF SAID TITLE AND CHAPTER RELATING TO MONTHLY CHARGES FOR SANITARY SEWER SYSTEM SERVICE; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER AND PROVIDING AN EFFECTIVE DATE FOR SUCH CHARGES.

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 of the City of Garnett 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 of Garnett, Kansas, by all persons, corporation, political subdivisions, and organizations whose premises are connected, or may be hereafter connected, to the sanitary sewer system of the City of Garnett:

- (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, which is hereby established at four dollars and thirty cents (\$4.30) per month, plus a service charge which shall be computed at the rate of one dollar and five cents (\$1.05) per each one thousand gallons.
 2. General Service: The net rate per month for sanitary sewer system service under this classification shall be the sum of the customer charge, which is hereby established at four dollars and thirty cents (\$4.30) per month, plus a service charge which shall be computed at the rate of one dollar and five cents (\$1.05) per each one thousand gallons.
 3. At the end of the three months' 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 months' period shall be ascertained and the monthly sewage service charges paid by such customer for each of the following twelve 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) months period, the base consumption of such user or customer shall be computed on the portion of said three (3) months 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 seven dollars (\$7.00) per month until a base consumption of water for such user or customer is determined as above provided.

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:

\$.341 per pound BOD

\$.232 per pound SS

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 sewage system but receiving water from a source other than 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, there shall be a minimum monthly sewer charge of four dollars and thirty cents (\$4.30) plus a service charge of one dollar and five cents (\$1.05) per each one thousand gallons of water from whatever alternate source. The City of Garnett may require such proof as is reasonable of the quantity of water and consumption from such other source and the failure to provide proof may, at the City's option, be grounds to terminate the customer's sanitary sewer connection to the City's sewage system.
- (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 of the City of Garnett is hereby amended to read as follows:

4-6-7: EFFECTIVE DATE: The monthly service charges, established herein, for the use of the Sewage Disposal System shall apply to the month of May, 1983, and thereafter. The service charges shall be uniformly charged on the basis of a full monthly sewer service charge, irrespective of the fact that the use during a given month may be less than a full month.

SECTION 3: Title 4, Chapter 6, Section 4 and Section 7 of said title and chapter, as the same presently exist, are hereby repealed.

SECTION 4: This Ordinance shall take effect and be in force after its passage and publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED This 25th day of April, 1983.

Clason G. Cole
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2657

AN ORDINANCE FINDING AND DECLARING THE NECESSITY OF APPROPRIATING PRIVATE PROPERTY FOR MUNICIPAL PURPOSES, AS MORE FULLY SET OUT HEREIN, AND DIRECTING THE NECESSARY LANDS OR INTERESTS THEREIN TO BE CONDEMNED PURSUANT TO THE AUTHORITY GRANTED THE CITY OF GARNETT BY K.S.A. 12-867 AND K.S.A. 26-201.

WHEREAS, The Governing Body of the City of Garnett, Kansas, has heretofore found and declared it to be necessary to extend, enlarge, and improve the water and sewage system of the City by constructing a water supply reservoir and improvements related thereto pursuant to the authority granted it by K.S.A. 12-856, et seq., as amended; and

WHEREAS, Plans and specifications have been prepared by Larkin & Associates, Consulting Engineers, and approved by the City of Garnett and work in accordance therewith previously authorized by Ordinance #2621 of the City of Garnett, Kansas, which such plans and ordinance are on file in the office of City Clerk of the City of Garnett, Kansas; and

WHEREAS, Completion of such construction according to these plans and specifications requires the acquisition of several tracts of land and interests in lands, all situate in Anderson County, Kansas, which apparently cannot be acquired by gift or purchase; and

WHEREAS, Said engineers have prepared a report setting forth the descriptions of the several tracts of land and interests in lands thus needed, which said report is now on file in the office of City Clerk.

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

SECTION 1: The City of Garnett, Kansas, shall be and is hereby authorized to acquire the lands or interests described in the exhibits attached hereto and incorporated by reference the same as if fully set out hereat, said exhibits being designated "Exhibits A through F", both letters inclusive.

SECTION 2: The interest to be taken in such land shall be fee simple absolute, except where designated in the said exhibits as "Flood Easement", in which case the interest acquired shall be an easement for the permanent storage and temporary detention, either or both, of any waters that are impounded, stored, or detained and for the maintenance and inspection of areas to be flooded by the said dam and impoundment structure described in the plans and specifications prepared by Larkin & Associates, Consulting Engineers, and heretofore approved by the City of Garnett, Kansas, in Ordinance #2621, located in Anderson County, Kansas, including:

- (a) Rights incidental to the full use and enjoyment by the City of Garnett, its successors and assigns of the said easement, to-wit:
- (b) Rights of ingress and egress at any time over, upon, and into the said land;
- (c) Rights to prohibit, except by permit, the construction of any structure, sewer, outhouse or privy, septic tank or tanks, tile absorption fields or holding tanks, or any other use which would in any way endanger a potable water supply to be impounded by the said dam structure and to prohibit any other use as would be

reasonably calculated to degrade the quality of a potable water supply impounded by said structure.

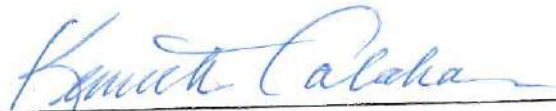
SECTION 3: The purpose for which the interests in the said lands, both fee and easement, are taken is primarily and expressly to facilitate and further the construction of a water supply reservoir and improvements related thereto designed to improve the combined water and sewer utility operated by the City of Garnett, Kansas, for the benefit of its citizens and other customers and for any other lawful purpose not inconsistent with the primary, express use.

SECTION 4: The City Manager, City Clerk, City Attorney, and other City officers are directed, in the name of the City of Garnett, Kansas, to institute appropriate proceedings in the District Court of Anderson County, Kansas, for the appropriation of said lands and interests therein by the exercise of the power of eminent domain pursuant to K.S.A. 12-867 and K.S.A. 26-201, et seq; and the City Attorney is authorized to sign all necessary pleadings and documents necessary to carry out and prosecute such suit.

Dated at Garnett, Kansas, this 6th day of May, 1983.



Mayor



Commissioner



Commissioner

A T T E S T:



City Clerk

Garnett, Kansas
Reservoir
Tract No. 7
(S.D. Eastwood)

Parts of GRANTOR'S land as hereinafter described. GRANTOR'S land is described as follows:

TRACT ONE

That part of the Northwest Quarter (NW/4) of the Northwest Fractional Quarter (NW fr/4) lying south and east of Cedar Creek; and that part of the East Half (E/2) of the Northwest Fractional Quarter (NW fr/4) lying south of Cedar Creek.

TRACT TWO

The Northeast Fractional Quarter (NE fr/4), less 5 acres, more or less, described as follows: Commencing at the Northwest Corner of said Quarter Section, thence south $23\frac{1}{2}$ rods to Cedar Creek, thence northeast to the top of the bluff, thence North 18 rods along the top of the bluff to the north line of said Quarter Section, thence west to the place of beginning.

TRACT THREE

The West Half (W/2) of the Southwest Quarter (SW/4) and 1 acre in a square form in the Southwest Corner of the East Half (E/2) of the Southwest Quarter (SW/4);

All the above being in Section Three (3), Township Twenty-one (21) South, Range Nineteen (19) East of the Sixth Principal Meridian.

A tract of land for the location and construction of a reservoir for the City of Garnett, Kansas, described as follows:

Beginning at the northeast corner of said Tract One said point also being the intersection of the east line of said Tract One with the center line of said Cedar Creek; thence south along the east line of said Tract One a distance of 612.25 feet; thence southwesterly along a line that deflects $25^{\circ}55'45''$ right from the last described line, a distance of 718.48 feet; thence southeasterly along a line that deflects $42^{\circ}25'01''$ left from the last described line a distance of 776.21 feet; thence southwesterly along a line that deflects $63^{\circ}07'38''$ right from the last described line a distance of 697.59 feet; thence westerly along a line that deflects $41^{\circ}48'15''$ right from the last described line a distance of 305 feet; thence northwesterly along a line that deflects $30^{\circ}18'40''$ right from the last described line a distance of 376.46 feet; thence southwesterly along a line that deflects $49^{\circ}45'05''$ left from the last described line, a distance of 96.26 feet

Exhibit A

Garnett, Kansas
 Reservoir
 Tract No. 7
 (S.D. Eastwood)

to a point on the west line of said Tract One; thence north along said line a distance of 315.95 feet to the intersection of the south line of said Tract One; thence west along said south line a distance of 780 feet more or less to the point of intersection with the center line of Cedar Creek; thence northerly, easterly and northeasterly along the center line of said creek to the Point of Beginning.

ALSO, beginning at the northwest corner of said Tract Three; thence east along the north line of said Tract Three a distance of 1323.74 feet to the northeast corner of said Tract Three; thence south along the east line of said Tract Three a distance of 750 feet to a point, said point hereinafter called point A; thence west along a line that deflects 88°54'07" right from the last described line a distance of 1324.18 feet to a point on the west line of said Tract Three, said point hereinafter called point B; thence north along the west line of said Tract Three a distance of 756.08 feet to the Point of Beginning.

ALSO, a FLOOD EASEMENT on that part of GRANTOR'S land lying southerly of a line between said points A and B and lying below elevation 987.2, as established by data from U.S. Geological Survey.

- (b) Rights of ingress and egress at any time over, upon, and into the said land;
- (c) Rights to prohibit, except by permit, the construction of any structure, sewer, outhouse or privy, septic tank or tanks, tile absorption fields or holding tanks, or any other use which would in any way endanger a potable water supply to be impounded by the said dam structure and to prohibit any other use as would be

EXHIBIT A

Garnett, Kansas
Reservoir
Tract No. 8
(A.L. Lutz)

Parts of GRANTOR'S land as hereinafter described. GRANTOR'S land is described as follows:

All that part of the Northwest fractional Quarter (NW $\frac{1}{4}$) of Section Three (3), lying north and west of Cedar Creek, except one square half acre and one square acre in the Northwest corner of said section, also except 17 $\frac{1}{2}$ acres, more or less, described as follows: Beginning at the Southwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of Northwest Quarter (NW $\frac{1}{4}$) of said Section Three (3), thence running east to Cedar Creek, thence north along said creek to the first ravine that enters said creek on the west side, thence west up said ravine to section line, thence south along said section line to the place of beginning;

Also commencing at the Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Three (3), thence South 23 $\frac{1}{2}$ rods to Cedar Creek, thence east to the top of bluff, thence north 18 rods, more or less to the north line of said quarter section, thence west to the place of beginning,

All in Township Twenty-one (21) South, Range Nineteen (19) East of the Sixth Principal Meridian, containing 55 acres, more or less.

A tract of land for the location and construction of a reservoir for the City of Garnett, Kansas, described as follows:

Beginning at a point on the north line of GRANTOR'S land and 380 feet east of the intersection of the north and west lines of GRANTOR'S land; thence south along a line that deflects 89°58'01" right from the north line of GRANTOR'S land a distance of 220 feet; thence southeasterly along a line that deflects 60° 00' left from the last described line a distance of 740 feet; thence easterly along a line that deflects 30°00' left from the last described line a distance of 1250 feet more or less to the center line of Cedar Creek; thence southwesterly, westerly and southerly along said center line of Cedar Creek to the intersection of the first ravine that enters that creek on the west side; thence westerly along said ravine to a point on the west line of GRANTOR'S land; thence north along the west line of GRANTOR'S land a distance of 840 feet, more less; thence east along the north line of GRANTOR'S land a distance of 380 feet to the Point of Beginning, except one square half acre and one square acre in the northwest corner of GRANTOR'S land.

- (b) Rights of ingress and egress at any time over, upon, and into the said land;
- (c) Rights to prohibit, except by permit, the construction of any structure, sewer, outhouse or privy, septic tank or tanks, tile absorption fields or holding tanks, or any other use which would in any way endanger a potable water supply to be impounded by the said dam structure and to prohibit any other use as would be

EXHIBIT B

Garnett, Kansas
Reservoir
Tract No. 11
(Ella Benjamin,
Executors
D. Benjamin &
C. Benjamin)

Parts of GRANTOR'S land as hereinafter described. GRANTOR'S land is described as follows:

TRACT TWO

Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Four (4), Township Twenty-One (21), Range Nineteen (19), Anderson County, Kansas (40 acres)

TRACT THREE

Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Four (4), Township Twenty-One (21), Range Nineteen (19), Anderson County, Kansas (40 acres)

TRACT FOUR

Beginning at the Southwest corner of the Northwest Quarter (NW $\frac{1}{4}$) 79 rods east and west by 32 rods north and south, Section Three (3), Township Twenty-one (21), Range Nineteen (19), Anderson County, Kansas (16 acres)

TRACT FIVE

Ten acres in the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) Section Four (4), Township Twenty-one (21), Range Nineteen (19), Anderson County, Kansas (south and east of Cedar Creek)

A tract of land for the location and construction of a reservoir for the City of Garnett, Kansas, described as follows:

All that part of said Tracts two, three and five described above. Also part of Tract four described as follows:

Beginning at the northwest corner of said Tract Four; thence east along the north line of said Tract Four a distance of 660 feet; thence southeasterly along a line that defects 55°48'48" right from the last described line a distance of 638.26 feet to a point on the south line of said Tract Four; thence west along the south line of said Tract Four, a distance of 1,023.74 feet to the southwest corner of said Tract Four; thence north along the west line of said Tract Four a distance of 528 feet to the Point of Beginning.

- (b) Rights of ingress and egress at any time over, upon, and into the said land;
- (c) Rights to prohibit, except by permit, the construction of any structure, sewer, outhouse or privy, septic tank or tanks, tile absorption fields or holding tanks, or any other use which would in any way endanger a potable water supply to be impounded by the said dam structure and to prohibit any other use as would be

Exhibit c

Garnett, Kansas
Reservoir
Tract No. 12
(H.D. Benjamin)

Parts of GRANTOR'S land as hereinafter described. GRANTOR'S land is described as follows:

Southwest Quarter (SW/4) of Section Two (2); Southeast Quarter (SE/4) of Section Three (3) and East Half (E/2) of Southwest Quarter (SW/4) of Section Three (3), all in Township Twenty-One (21) South, Range Nineteen (19) East of the Sixth Principal Meridian.

A tract of land for the location and construction of a reservoir for the City of Garnett, Kansas, described as follows:

Beginning at a point on the west line of GRANTOR'S land and 130 feet south of the northwest corner thereof, said point hereinafter called Point "A"; thence southeasterly along a line that deflects 62 degrees 47 minutes 26 seconds left from the last described line a distance of 1,659.56 feet to a point, said point hereinafter called Point "B"; thence southwesterly along a line that deflects 86 degrees 44 minutes 18 seconds right from the last described line, a distance of 371.25 feet to a point, said point hereinafter called Point "C"; thence northwesterly along a line that deflects 77 degrees 38 minutes 01 seconds right from the last described line, a distance of 636.73 feet to a point, said point hereinafter called Point "D"; thence southwesterly along a line that deflects 66 degrees 48 minutes 57 seconds left from the last described line a distance of 329.01 feet to a point, said point hereinafter called Point "E"; thence northwesterly along a line that deflects 105 degrees 36 minutes 31 seconds right from the last described line a distance of 805.69 feet to a point on the west line of GRANTOR'S land; thence north along the west line of GRANTOR'S land a distance of 620 feet more or less to the Point of Beginning.

ALSO, a FLOOD EASEMENT on that part of GRANTOR'S land lying northeasterly, southeasterly and southerly of a line beginning at said Point A, and passing through said Points B, C, and D, terminating at said Point E and lying below elevation 987.2, as established by data from U.S. Geological Survey.

- (b) Rights of ingress and egress at any time over, upon, and into the said land;
- (c) Rights to prohibit, except by permit, the construction of any structure, sewer, outhouse or privy, septic tank or tanks, tile absorption fields or holding tanks, or any other use which would in any way endanger a potable water supply to be impounded by the said dam structure and to prohibit any other use as would be

Exhibit 2

Garnett, Kansas
Reservoir
Tract No. 18
(W. Pracht)

Parts of GRANTOR'S land as hereinafter described. GRANTOR'S land is described as follows:

South Half (S/2) of Section Nine (9); Northwest Quarter (NW/4) of Section Nine (9); and South Half (S/2) of Northeast Quarter (NE/4) of Section Nine (9), all in Township Twenty-One (21) South, Range Nineteen (19) East of the Sixth Principal Meridian.

A tract of land for the location and construction of a reservoir for the City of Garnett, Kansas, described as follows:

Beginning at the southwest corner of GRANTOR'S land; thence north along the west line of GRANTOR'S land a distance of 1430 feet to a point, said point hereinafter called Point "A"; thence northeasterly along a line that deflects 55 degrees 32 minutes 53 seconds right from the last described line, a distance of 1695.21 feet to a point, said point hereinafter called Point "B"; thence east along a line that deflects 33 degrees 40 minutes 36 seconds right from the last described line, a distance of 1680 feet to a point, said point hereinafter called Point "C"; thence north along a line that deflects 90 degrees 00 minutes left from the last described line, a distance of 1371.10 feet to a point, said point hereinafter called Point "D"; thence west along a line that deflects 90 degrees 00 minutes left from the last described line, a distance of 408.60 feet to a point, said point hereinafter called Point "E"; thence north along a line that deflects 90 degrees 36 minutes 55 seconds right from the last described line a distance of 230 feet to a point on a north line of GRANTOR'S land, said point hereinafter called Point "F"; thence east along a north line of GRANTOR'S land a distance of 1929.17 feet to a point; thence south along a line that deflects 89 degrees 32 minutes 34 seconds right from the last described line, a distance of 220 feet to a point, said point hereinafter called Point "G"; thence west along a line that deflects 90 degrees 00 minutes right from the last described line a distance of 482.98 feet to a point, said point hereinafter called Point "H"; thence south along a line that deflects 90 degrees 00 minutes left from the last described line, a distance of 690.7 feet; thence east along a line that deflects 90 degrees 00 minutes left from the last described line, a distance of 345; thence south along a line that deflects 90 degrees 00 minutes right

- (b) Rights of ingress and egress at any time over, upon, and into the said land;
- (c) Rights to prohibit, except by permit, the construction of any structure, sewer, outhouse or privy, septic tank or tanks, tile absorption fields or holding tanks, or any other use which would in any way endanger a potable water supply to be impounded by the said dam structure and to prohibit any other use as would be

Exhibit E

from the last described line, a distance of 555 feet to a point, said point hereinafter called Point "I"; thence west along a line that deflects 90 degrees 00 minutes right from the last described line, a distance of 360 feet; thence south along a line that deflects 90 degrees 00 minutes left from the last described line, a distance of 690 feet; thence southwesterly along a line that deflects 39 degrees 15 minutes 05 seconds right from the last described line, a distance of 1058.91 feet; thence west along a line that deflects 50 degrees 44 minutes 55 seconds right from the last described line, a distance of 630 feet; thence northwesterly along a line that deflects 31 degrees 56 minutes 51 seconds right from the last described line a distance of 1,048.87 feet to a point, said point hereinafter called Point "J"; thence southwesterly along a line that deflects 55 degrees 19 minutes 58 seconds left from the last described line, a distance of 806.23 feet to a point, said point hereinafter called Point "K"; thence south along a line that deflects 66 degrees 36 minutes 53 seconds left from the last described line, a distance of 865.00 feet to a point, said point hereinafter called Point "L"; thence west along a line that deflects 90 degrees 00 minutes right from the last described line, a distance of 775.08 feet to a point, said point hereinafter called Point "M"; thence south along a line that deflects 90 degrees 00 minutes left from the last described line, a distance of 351.29 feet more or less to a point on the south line of GRANTOR'S land; thence west along the south line of GRANTOR'S land a distance of 430 feet to the Point of Beginning.

ALSO, a FLOOD EASEMENT on that part of GRANTOR'S land lying northerly of said Points A and B; westerly of said Points C and D; westerly of a line between Points E and F, and the northerly extension thereof; southwesterly of said Points G and H; southwesterly of said Point I; southwesterly of said Points J and K; southerly of said Points L and M all the above described land lying below elevation 987.2, as established by data from U.S. Geological Survey.

- (b) Rights of ingress and egress at any time over, upon, and into the said land;
- (c) Rights to prohibit, except by permit, the construction of any structure, sewer, outhouse or privy, septic tank or tanks, tile absorption fields or holding tanks, or any other use which would in any way endanger a potable water supply to be impounded by the said dam structure and to prohibit any other use as would be

Exhibit E²

Garnett, Kansas
Reservoir
Tract No. 27
(J.A. Foltz)

Parts of GRANTOR'S land as hereinafter described. GRANTOR'S land is described as follows:

The North Half (N/2) of the Northeast Quarter (NE/4) of Section Nine (9), Township Twenty-One (21), Range Nineteen (19).

A tract of land for the location and construction of a reservoir for the City of Garnett, Kansas, described as follows:

Beginning at the northwest corner of GRANTOR'S land; thence east along the north line of GRANTOR'S land a distance of 1413.76 feet; thence south along a line that deflects 89 degrees 14 minutes 55 seconds right from the last described line, a distance of 1053.02 feet to a point, said point hereinafter called Point "A"; thence southeasterly along a line that deflects 67 degrees 20 minutes 09 seconds left from the last described line a distance of 543.18 feet to a point, said point hereinafter called Point "B"; thence south along a line that deflects 67 degrees 20 minutes 09 seconds right from the last described line a distance of 60 feet more or less to a point on the south line of GRANTOR'S land; thence west along the south line of GRANTOR'S land a distance of 1929.17 feet to the southwest corner of GRANTOR'S land; thence north along the west line of GRANTOR'S land a distance of 1325.55 feet more or less to the Point of Beginning.

ALSO, a FLOOD EASEMENT on that part of GRANTOR'S land lying northeasterly of a line between said Points A and B and lying below elevation 987.2, as established by data from U.S. Geological Survey.

- (b) Rights of ingress and egress at any time over, upon, and into the said land;
- (c) Rights to prohibit, except by permit, the construction of any structure, sewer, outhouse or privy, septic tank or tanks, tile absorption fields or holding tanks, or any other use which would in any way endanger a potable water supply to be impounded by the said dam structure and to prohibit any other use as would be

Exhibit F

ORDINANCE NO. 2658

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 four dollars twenty-six cents (\$4.26) 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 three dollars eighty-three cents (\$3.83) 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 June 1, 1983, and after its publication in an official City newspaper.

PASSED and APPROVED this 11th day of May, 1983.



Mayor

Attest:



City Clerk

AN ORDINANCE AUTHORIZING AND DIRECTING
THE CITY OF GARNETT TO WITHDRAW
AS A MEMBER OF THE KANSAS MUNICIPAL ENERGY AGENCY

WHEREAS, the City of Garnett, Kansas (hereinafter sometimes called the "City") is a member of the Kansas Municipal Energy Agency (hereinafter sometimes called the "Agency"), organized and existing under the laws of the State of Kansas, including particularly K.S.A. 12-885 to 12-8, 110, inclusive, and

WHEREAS, K.S.A. 12-8,108 provides that any City may withdraw as a member of the Agency if withdrawal is authorized by Ordinance of the governing body of the City and consented to by the governing body of not less than two-thirds of the existing member cities; and

WHEREAS, the City hereby finds and determines that it is in the best interests of the City and its inhabitants that the City withdraw as a member of the Agency.

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

Section 1. The City is hereby authorized and directed to withdraw as a member of the Kansas Municipal Energy Agency in accordance with K.S.A. 12-8,108.

Section 2. This Ordinance shall serve as a request to the governing body of each member City to adopt a resolution consenting to such withdrawal.

Section 3. Nothing herein, nor in any consent to withdraw, shall affect any existing contract between the City and the Agency.

Section 4. The Mayor and the City Clerk, or both of them, are hereby authorized and directed to execute on behalf of the City an amendment to the agreement creating the Agency withdrawing the City as a member and containing such other matters as might be appropriate.

Section 5. This Ordinance shall take effect and be in force upon its adoption by the governing body of the City and its publication once in the official City newspaper.

PASSED AND APPROVED THIS 11th DAY OF May, 1983.



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 2660

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LANDS LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 2230 OF SAID CITY.

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

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


Lots 1, 2 and 3, Block 59 in the
City of Garnett

is hereby changed from Multiple Family High Density (R-3) to General Business District (C-2).

SECTION 2: Upon this Ordinance becoming effective, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said Official Zoning Map is hereby reincorporated as amended as a part of Ordinance No. 2230.

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

PASSED By the Commission and approved this 11th day of May, 1983.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2662

AN ORDINANCE TEMPORARILY SUSPENDING THE MINIMUM LENGTH FOR RETAINING AND POSSESSING BLACK BASS FROM LAKE GARNETT.

WHEREAS, It has been determined by City personnel working in connection with personnel of the Kansas Department of Fish and Game that there is an apparent over population of black bass at the North City Lake, known as Lake Garnett; and

WHEREAS, The over population prevents the proper development of the black bass within said Lake; and

WHEREAS, It is desirable to reduce the population of black bass in said Lake and it has been determined the most efficient way to accomplish such reduction to permit the taking, retaining, and possessing of the same without respect to length for a limited period.

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

SECTION 1: The provisions of Title 9, Chapter 5, Section 13D fixing a minimum length for the retention and possession of black bass is hereby suspended for all such black bass taken from Lake Garnett, June 15 through July 31, 1983, both dates inclusive.

SECTION 2: All other provisions of said title, chapter and section shall remain in full force and effect and nothing herein shall be construed to remove, suspend, or modify the minimum length for the retention or possession of any black bass taken from any other body of water within the City of Garnett.

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 provided further upon the expiration of the period of suspension, namely after July 31, 1983, the Ordinance shall lapse and be of no further effect.

PASSED and APPROVED This 8th day of June, 1983.



Mayor

Attest:



City Clerk

ORDINANCE NO. 2664

AN ORDINANCE AMENDING TITLE 6, CHAPTER 1, SECTION 28, OF THE MUNICIPAL CODE, GENERALLY REDEFINING CERTAIN AREAS OR PLACES IN WHICH IT IS UNLAWFUL TO POSSESS OR CONSUME CEREAL MALT BEVERAGES WITHIN THE CITY OF GARNETT, KANSAS; DEFINING CEREAL MALT BEVERAGE; PROVIDING A PENALTY FOR CONVICTION OF VIOLATION OF THIS SECTION, AS AMENDED; AND REPEALING INCONSISTENT PRIOR ENACTMENTS.

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 of the City of Garnett, Kansas, is hereby amended to read as follows:

6-1-28 POSSESSION OF MALT BEVERAGES: A. It shall be unlawful for any person to have any cereal malt beverages in his possession or to consume the same within the City of Garnett, Kansas, 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 100 feet of, any public baseball or softball playing field, the municipal swimming pool or the municipal stadium.

B. As used in this ordinance the term "Cereal Malt Beverage" shall have the same meaning ascribed to the term in the applicable provisions of Kansas Statutes Annotated.

C. Any person convicted of violating the terms of this Section shall be punished by a fine of not to exceed \$100.00 or by imprisonment of not more than 30 days or by both such fine and imprisonment.

SECTION 2: Title 6, Chapter 1, Section 28 of the Municipal Code of the City of Garnett, Kansas, as the same presently exists and all other enactments 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, Kansas.

Passed and approved this 22nd day of June, 1983.

Claron G. Cole

Mayor

A T T E S T:

Jay E. Martin

City Clerk

AN ORDINANCE AMENDING TITLE 10, CHAPTER 9, SECTION 3 OF THE MUNICIPAL CODE, DEFINING THE TRANSPORTATION OF LIQUOR OR CEREAL MALT BEVERAGE IN OPENED CONTAINERS AND DECLARING THE SAME TO BE UNLAWFUL; PROVIDING EXCEPTIONS AND PENALTY FOR VIOLATION; AND REPEALING ANY PRIOR OR INCONSISTENT ENACTMENT OF THE CITY OF GARNETT, KANSAS.

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

SECTION 1: Title 10, Chapter 9, Section 3 of the Municipal Code is hereby amended to read as follows:

10-9-3: TRANSPORTATION OF LIQUOR OR CEREAL MALT BEVERAGE IN OPEN CONTAINERS UNLAWFUL; EXCEPTIONS; PENALTY: (A) It shall be unlawful for any person to transport in any vehicle upon any public highway, street, or alley, any alcoholic liquor or cereal malt beverage as the same are defined by applicable provisions of Kansas Statutes Annotated, unless such alcoholic liquor or cereal malt beverage is:

1. In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork, or other means of closure has not been removed;
2. In the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or
3. In the exclusive possession of a passenger in a vehicle which is a recreational vehicle or a bus, as the same are defined by applicable provisions of Kansas Statutes Annotated and which said passenger is not in the driving compartment of such vehicle or is in a portion of such vehicle from which the driver is not directly accessible.

(B) Except as provided in Subsection B hereof, upon adjudication of a violation of this Section, the Judge, in addition to the general penalty provided for violations of this Chapter, shall suspend the person's driver's license or privilege to operate a motor vehicle on the streets and highways of the State of Kansas. Upon adjudication of the first violation by such person, the suspension shall be for three (3) months. Upon adjudication of the second or subsequent violations, the suspension shall be for one (1) year.

(C) Upon suspension of a license pursuant to this Section, the Court shall require the person to surrender the license to the Court, which shall transmit the license to the Division of Motor Vehicles of the Department of Revenue, to be retained until the period of suspension expires. At that time the licensee may apply to the Division for return of the license. If the license has expired, the person may apply for a new license to the said Division of Motor Vehicles.

(D) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this State of any person convicted of violating this Section, as provided in Subsection (C), the Judge may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this State, a certified copy of which such person shall be required to carry at any time such person is operating a motor vehicle on the highways of this State. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of less than three (3) months for a first violation, or more than one (1) year for a second violation.

Upon entering an order restricting a person's license hereunder, the Judge shall require such person to surrender such person's driver's license to the court, who shall cause it to be transmitted to the Division of Vehicles, together with a copy of the order. Upon receipt thereof, the Division of Vehicles shall proceed as provided in K.S.A. 41-804(f) or K.S.A. 41-2719(f). Upon expiration of the period of time for which conditions are imposed pursuant to this Subsection, the licensee may apply to the Division for return of the license previously surrendered. In the event such license has expired, the person may apply for a new license to the said Division of Motor Vehicles.

If any person shall violate any of the conditions imposed under this Subsection, such person's driver's license or privilege to operate a motor vehicle on the highways of this State shall be revoked for a period of not less than sixty (60) days, nor more than one (1) year by the Judge of the Municipal Court.

SECTION 2: Title 10, Chapter 9, Section 3 of the Municipal Code as the same presently exists and any other enactment of the City of Garnett inconsistent herewith 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 July, 1983.



Mayor

A T T E S T:


City Clerk

ORDINANCE NO. 2667

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LANDS LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 2230 OF SAID CITY, AS AMENDED.

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

SECTION 1. Having received and duly considered a recommendation from the Planning Commission as provided by law and ordinance, the zoning classification or district of the following described land situate in Anderson County, Kansas, to-wit:

The East Half of Block Five (5) in Orchard Park
Addition to the City of Garnett

is hereby changed from Residential District R-1 to Highway Commercial District C-3.

SECTION 2. Upon this Ordinance's becoming effective, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said Official Zoning Map is hereby reincorporated as amended as a part of Ordinance No. 2230.

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 by the Commission and approved this 27th day of July, 1983.



Mayor

ATTEST:


City Clerk

ORDINANCE NO. 2668

AN ORDINANCE PROVIDING FOR LIMITED VEHICULAR PARKING ON CLEVELAND STREET BETWEEN ITS INTERSECTION TO THE NORTH WITH HIGHWAY K-31 AND ITS INTERSECTION TO THE SOUTH WITH FOURTH AVENUE, ALL WITHIN THE CITY OF GARNETT, KANSAS; SUPPLEMENTING TITLE 10, CHAPTER 2 OF THE MUNICIPAL CODE.

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

SECTION 1: LIMITED PARKING: It shall be unlawful to park or stand any tractor, trailer, semi-trailer, or truck of over one (1) ton capacity, or any combination of such vehicles, upon Cleveland Street from its intersection to the north with Highway K-31 and its intersection to the south with Fourth Avenue, all within the City of Garnett, Kansas.

SECTION 2: This Ordinance shall be deemed supplementary to Title 10, Chapter 2 of the Municipal Code of the City of Garnett, Kansas.

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

PASSED and APPROVED This 10th day of AUGUST, 1983.

Carver G. Cole
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2670

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS, AND AMENDING TITLE 10, CHAPTER 7 OF THE MUNICIPAL CODE; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 1983, WITH CERTAIN OMISSIONS, CHANGES, AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; AND REPEALING CONFLICTING PROVISIONS OF THE EXISTING MUNICIPAL CODE, THE PROVISIONS OF ORDINANCE 2508, AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH.

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", Edition of 1983, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. Not less than three (3) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy As Adopted By Ordinance No. 2670", with all sections or portions thereof intended to be omitted or changed clearly marked to show any 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 For Kansas Cities, 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: AMENDMENT: The Standard Traffic Ordinance For Kansas Cities, Edition of 1983, is amended in the following manner:

Article 7, Section 33 (a) (3) is amended to read as follows: "Thirty (30) miles per hour in any park; and,"

SECTION 3: OMISSION: Article 14, Sections 105 and 106 and each and every subsection thereof of the Standard Traffic Ordinance For Kansas Cities, Edition of 1983, are hereby omitted.

SECTION 4: REPEAL: Title 10, Chapter 7, Sections 1 and 2 of the Municipal Code of the City of Garnett, as the same presently exists; Ordinance 2508 and all other ordinances expressly in conflict herewith are hereby repealed; provided, however, nothing herein shall be construed as being in conflict with, nor to work a repeal by implication of any other chapter, section, or subsection of Title 10 of the said Municipal Code.

SECTION 5: EFFECTIVE DATE. 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
Page 2

PASSED and APPROVED This 14TH day of September, 1983.

Clayton G. Cole

Mayor

A T T E S T:

Joyce E. Martin

City Clerk

ORDINANCE NO. 2673

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 441 feet East and 250 feet South of the North-
west Corner of the Southwest Quarter (SW/4) of Section
Twenty-nine (29), Township Twenty (20), Range Twenty (20),
thence East 75 feet, thence South 6 feet, thence East 103
feet, thence South 100 feet to the North line of the
Missouri-Pacific Railroad right of way, thence South-
westerly along said railroad right of way 172 feet more
or less to a point due South of the point of beginning,
thence North to the point of beginning; also, an easement
over and across a tract of land beginning 516 feet East
and 30 feet South of the Northwest Corner of the South-
west Quarter (SW/4) of said Section 29, Township 20,
Range 20, thence South 220 feet, thence East 17 feet,
thence North 220 feet, thence West 17 feet to the point
of beginning, for use as a way of ingress and egress to
the first described property;

having met one or more of the classifications for annexation de-
scribed by K.S.A. 12-519, et seq., and specifically that the owners
thereof having petitioned for and consented to the annexation of
the same by the City of Garnett, Kansas, and such land being
adjacent to an existing boundary of the City of Garnett, Kansas,
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 news-
paper of the City of Garnett, Kansas.

PASSED and APPROVED This 9th day of November, 1983.

Claron G. Cole

Mayor

A T T E S T:

Joyce E. Martin

City Clerk

ORDINANCE NO. 2674

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 EXISITNG 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: STANDARD RATE: All gas sold by the City of Garnett to each classification of user above established shall be charged for at the rate of \$4.38 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 inforce from and after November 1, 1983, and after its publication in an official City newspaper.

PASSED and APPROVED this 26th day of October, 1983.



Mayor

Attest:



City Clerk

ORDINANCE NO. 2675

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 5, SUBSECTIONS (B) AND (C) OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, RELATING TO THE MUNICIPAL WATER SERVICE AND PERIODIC RATES CHARGED FOR SUCH SERVICE; AND REPEALING EXISTING SUBSECTIONS.

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

SECTION 1: Title 4, Chapter 4, Section 5, Subsection (B) of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows, to-wit:

(B) Water Service; Periodic Rates: The following periodic rates for the use of the water utility are hereby established to users and consumers of the City:

1. Residential Service - Standard: The net rate per month for water purchased under this classification shall be the sum of the customer charge, which is hereby established at six dollars seventy cents (\$6.70) per month, plus a water charge which shall be computed at the rate of three dollars eighty-five cents (\$3.85) for each one thousand (1,000) gallons consumed.

2. Residential Service - Outside City: The net rate per month for water purchased under this classification shall be the sum of the customer charge, which is hereby established at thirteen dollars forty cents (\$13.40) per month, plus a water charge which shall be computed at the rate of five dollars twenty cents (\$5.20) for each one thousand (1,000) gallons consumed.

3. General Service: The net rate per month for water purchased under this classification shall be the sum of the customer charge, which is hereby established at nine dollars sixty cents (\$9.60) per month, plus a water charge which shall be computed at the rate of three dollars eighty-five cents (\$3.85) for each one thousand (1,000) gallons consumed.

4. General Service - Outside City: The net rate per month for water purchased under this classification shall be the sum of the customer charge, which is hereby established at fourteen dollars forty cents (\$14.40) per month, plus a water charge which shall be computed at the rate of five dollars twenty cents (\$5.20) for each one thousand (1,000) gallons consumed.

SECTION 2: Title 4, Chapter 4, Section 5, Subsection (C) of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows, to-wit:

(C) Coin Sales Rate: 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 eight dollars (\$8.00) per one thousand (1,000) gallons sold, payable in advance of delivery.

SECTION 3: Title 4, Chapter 4, Section 5, Subsections (B) and (C), as the same presently exist in the Municipal Code of the City of Garnett, Kansas, are hereby repealed.

SECTION 4: This Ordinance shall take effect and be in full force and effect from and after December 1, 1983, and after its publication in an official City newspaper.

PASSED and APPROVED this 9th day of November, 1983.



Mayor

A T T E S T :



City Clerk

ORDINANCE NO. 2677

OF THE

CITY OF GARNETT, KANSAS

ADOPTED November 23, 1983

\$2,715,000

WATER AND SEWER SYSTEM REVENUE BOND ANTICIPATION BONDS

SERIES 1983

ORDINANCE NO. 2677

AN ORDINANCE AUTHORIZING THE ISSUANCE OF \$2,715,000 PRINCIPAL AMOUNT OF WATER AND SEWER SYSTEM REVENUE BOND ANTICIPATION BONDS, SERIES 1983, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PAYING THE COST OF EXTENDING AND IMPROVING THE WATER AND SEWER SYSTEM OF THE CITY; PRESCRIBING THE FORM AND DETAILS OF SAID REVENUE BONDS AND THE COVENANTS AND AGREEMENTS MADE BY THE CITY TO FACILITATE AND PROTECT THE PAYMENT THEREOF; AND PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUES OF THE WATER AND SEWER SYSTEM OF THE CITY FOR THE PURPOSE OF PAYING THE COST OF OPERATION AND MAINTENANCE OF SAID WATER AND SEWER SYSTEM AND PAYING THE PRINCIPAL OF AND INTEREST ON SAID REVENUE BONDS.

WHEREAS, the City of Garnett, Kansas, a municipal corporation and city of the second class duly created, organized and existing under the laws of the State of Kansas with a population of less than 80,000 (the "City"), now owns and operates a revenue producing water and sewer system serving the City and its inhabitants and desires to make extensions and improvements to its water and sewer system; and

WHEREAS, the City is authorized under the provisions of K.S.A. 12-856 to 12-868, inclusive, as amended, (the "Act") to issue and sell revenue bonds for the purpose of paying all or part of the cost of extending and improving the water and sewer system of the City, provided that the cost of operation and maintenance thereof and the principal of and interest on such revenue bonds shall be payable solely from the revenues derived by the City from the operation of its water and sewer system; and

WHEREAS, pursuant to the Act and to Resolution No. 12/8/82-2 of the City adopted December 8, 1982, the governing body of the City has heretofore caused to be published in the official paper of the City a notice of the intention of the City to make extensions, enlargements and improvements to the water and sewer system owned by the City by constructing certain interceptor sewer treatment plant and sewer system rehabilitation improvements at a cost not exceeding \$2,401,600 and to issue revenue bonds of the City in a principal amount not exceeding \$820,000 to pay part of the cost thereof with the balance of said cost to be paid with the proceeds of a federal grant from the United States Environmental Protection Agency; and

WHEREAS, pursuant to the Act and to Resolution No. 10/3/83-1 of the City adopted October 3, 1983, the governing body of the City has heretofore caused to be published in the official paper of the City a notice of the intention of the City to make extensions, enlargements and improvements to the water and sewer system owned by the City by acquiring land for and constructing a water supply reservoir and related improvements at a cost not exceeding \$3,150,000 and to issue revenue bonds of the City in a principal amount not exceeding \$2,250,000 to pay part of the cost thereof with the balance of said cost payable from general obligation bonds of the City previously issued for such purpose; and

WHEREAS, within 15 days after the publication of said notices, sufficient written protest was not filed with the City Clerk of the City against such extensions, enlargements and improvements or against the issuance of said revenue bonds; and

WHEREAS, the governing body of the City has caused plans and specifications for said extensions, enlargements and improvements and an estimate of the cost thereof to be made by the City's consulting engineers and said plans, specifications and estimates have been made and the same are hereby accepted and approved and are on file in the office of the City Clerk, the amount of said estimated cost being not less than \$4,625,779; and

WHEREAS, the municipal utility revenue bond market is in an unstable period resulting in high interest rates, and the City has been advised by its Financial Advisor, Shearson/American Express, Inc., Kansas City, Missouri, to fund the current planned capital costs of making extensions, enlargements and improvements to the City's water and sewer system from the proceeds of short-term borrowing; and

WHEREAS, it is hereby found and determined that it is necessary that the City issue and deliver forthwith its water and sewer system revenue bond anticipation bonds in the aggregate principal amount of \$2,715,000 for the purpose of paying part of the cost of said extensions, enlargements and improvements; and

WHEREAS, the City does not have outstanding any other bonds or other obligations payable from the revenues derived by the City from the operation of its water and sewer system;

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

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere in this Ordinance, the following words and terms as used in this Ordinance shall have the following meanings, unless some other meaning is plainly intended:

"Bond Registrar" means the Treasurer of the State of Kansas in the City of Topeka, Kansas, and any successors or assigns.

"Bonds" means the Water and Sewer System Revenue Bond Anticipation Bonds, Series 1983, of the City, authorized and issued pursuant to this Ordinance.

"Construction Funds" means the Water and Sewer System E.P.A. Project Construction Fund and the Water and Sewer System Water Reservoir Project Construction Fund created by Section 501 of this Ordinance.

"Consulting Engineer" means an independent engineer or engineering firm, having a national reputation for skills and experience in the construction and operation of public utilities, at the time employed by the City for the purpose of carrying out the duties imposed on the Consulting Engineer by this Ordinance.

"Depreciation and Replacement Account" means the Water and Sewer System Depreciation and Replacement Account created by Section 501 of this Ordinance.

"E.P.A. Project Construction Fund" means the Water and Sewer System E.P.A. Project Construction Fund created by Section 501 of this Ordinance.

"Operation and Maintenance Account" means the Water and Sewer System Operation and Maintenance Account created by Section 501 of this Ordinance.

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

"Paying Agent" means the Treasurer of the State of Kansas in the City of Topeka, Kansas, and any successors or assigns.

"Principal and Interest Account" means the Principal and Interest Account for Water and Sewer System Revenue Bond Anticipation Bonds, Series 1983 created by Section 501 of this Ordinance.

"Revenue Fund" means the Water and Sewer System Revenue Fund created by Section 501 of this Ordinance.

"Surplus Account" means the Water and Sewer System Surplus Account created by Section 501 of this Ordinance.

"Water and Sewer System" means the entire water and sewer system owned and operated by the City for 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.

"Water Reservoir Project Construction Fund" means the Water and Sewer System Water Reservoir Project Construction Fund created in Section 501 of this Ordinance.

ARTICLE II

AUTHORIZATION OF THE BONDS

Section 201. Authorization of the Bonds. There is hereby authorized and directed to be issued a series of Water and Sewer System Revenue Bond Anticipation Bonds, Series 1983, of the City in the principal amount of \$2,715,000, for the purpose of paying part of the cost of extending and improving the Water and Sewer System, as provided in this Ordinance.

Section 202. Security for the Bonds. The Bonds shall be special obligations of the City payable solely from the revenues derived by the City from the operation of the System, including revenues derived from extensions and improvements to the Water and Sewer System hereafter constructed or acquired by the City, and from the proceeds of Water and Sewer System revenue bonds to be issued specifically to refund the Bonds. The taxing power of the City is not pledged to the payment of the Bonds either as to principal or interest, and 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 203. Description of the Bonds. The Bonds shall consist of fully registered certificated bonds without coupons, numbered from R-1 consecutively upward, in the denomination of \$5,000 or any integral multiple thereof. The Bonds shall be substantially in the form set forth in Article IV hereof, and shall be subject to registration, transfer and exchange as provided in Section 206 hereof. All of the Bonds shall be dated November 1, 1983, shall become due on May 1, 1986 (subject to redemption prior to maturity as provided in Article III hereof), and shall bear interest from the date thereof at the rate of 7.25% per annum.

Interest on the Bonds at the rate aforesaid shall be payable semiannually on May 1 and November 1 in each year, beginning on May 1, 1984 (the "Interest Payment Dates"), to the registered owners whose names appear on the books maintained by the Bond Registrar at the close of business on the 15th day of the month preceding the Interest Payment Dates (the "Record Dates").

Section 204. Designation of Paying Agent and Bond Registrar. The Treasurer of the State of Kansas in the City of Topeka, Kansas, is hereby designated as the City's paying agent for the payment of principal of and interest on the Bonds and bond registrar with respect to the registration, transfer and exchange of Bonds (the "Paying Agent" and "Bond Registrar").

The Mayor and City Clerk of the City are hereby authorized and empowered to execute on behalf of the City an agreement with the Treasurer of the State of Kansas for said Treasurer to act as Bond Registrar and Paying Agent for the Bonds.

Section 205. Method and Place of Payment of Bonds. The principal of and interest on the Bonds shall be payable in lawful money of the United States of America by check or draft of the Paying Agent.

The principal of on the Bonds shall be payable at the office of the Paying Agent upon presentation and surrender of such Bonds as they respectively become due.

The interest on Bonds shall be payable to the order of the registered owners thereof mailed by the Bond Registrar to the addresses of such registered owners as they appear on the registration books maintained by the Bond Registrar or at such other address provided in writing by such registered owner to the Bond Registrar on the Record Dates.

The Paying Agent and Bond Registrar shall keep in its office a record of payment of principal of and interest on all Bonds.

Section 206. Registration, Transfer and Exchange of Bonds. The City covenants that it will, as long as any of the Bonds herein authorized remain outstanding, cause to be kept at the office of the Bond Registrar books for the registration, transfer and exchange of Bonds as herein provided.

Upon presentation of the necessary documents as hereinafter described, the Bond Registrar shall transfer or exchange any Bond(s) for new Bond(s) in an authorized denomination and for the same aggregate principal amount as the Bond(s) which was presented for transfer or exchange.

All Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer

or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the registered owner thereof or by the registered owner's duly authorized agent. In addition, all Bonds presented for transfer or exchange shall be surrendered to the Bond Registrar for cancellation.

Prior to delivery of the new Bond(s) to the transferee, the Bond Registrar shall register the same in the registration books kept by the Bond Registrar for such purpose and shall authenticate each Bond.

The City shall pay out of the proceeds of the Bonds the fees of the Bond Registrar for registration and transfer of the Bonds and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the bondholders.

The person in whose name any Bond is registered shall be deemed the absolute owner thereof by the City, the Paying Agent and the Bond Registrar, and any notice to the contrary shall not be binding upon the City, the Paying Agent or the Bond Registrar.

The Bond Registrar shall not be required to register, transfer or exchange Bonds for a period of 15 days next preceding an interest payment date on the Bonds or to register, transfer or exchange any Bonds called for redemption during said period.

Section 207. Surrender and Cancellation of Bonds. Whenever any outstanding Bonds shall be delivered to the Bond Registrar for cancellation pursuant to this Ordinance, upon payment of the principal amount thereof and interest thereon or for replacement pursuant to this Ordinance, such Bond shall be canceled and destroyed by the Bond Registrar and a Certificate of Destruction describing the Bonds so destroyed evidencing such destruction shall be furnished by the Bond Registrar to the City.

Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. In the event any Bond is mutilated, lost, stolen or destroyed, the City may execute and the Bond Registrar may authenticate a new Bond of like date, maturity, denomination and interest rate, as that mutilated, lost, stolen or destroyed; provided, that in the case of any mutilated Bond, such mutilated Bond shall first be surrendered to the City or the Bond Registrar, and, in the case of any lost, stolen or destroyed Bond there shall be first furnished to the Bond Registrar and the City evidence of such loss, theft or destruction satisfactory to them, together with an indemnity satisfactory to the City and the Bond Registrar. In the event any such Bond shall have matured, instead of issuing a duplicate Bond, the City and Bond

Registrar may pay the same without surrender thereof. The City and Bond Registrar may charge to the registered owner of such Bond their reasonable fees and expenses in connection with replacing Bond or Bonds mutilated, stolen, lost or destroyed.

Section 209. Execution, Registration and Delivery of the Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be signed by the manual or facsimile signature of the Mayor and attested by the manual or facsimile signature of the City Clerk, and shall have the corporate seal of the City affixed thereto or imprinted thereon. In case any officer whose signature or facsimile thereof appears on any Bonds shall cease to be such officer before the delivery of such Bonds, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes, the same as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor and City Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner hereinbefore specified, and to cause the Bonds to be registered in the office of the City Clerk and the State Treasurer as provided by law, and, when duly executed and registered, to deliver the Bonds to Chiles, Heider/American Express, Inc., Omaha, Nebraska, the original purchaser of the Bonds, upon receipt by the City of the purchase price of the Bonds, which purchase price shall be not less than 100% of the principal amount of the Bonds plus accrued interest to the date of their delivery.

The Bonds shall have endorsed thereon a Certificate of Authentication substantially in the form set forth in Section 401 hereof, which shall be manually executed by the Bond Registrar. No Bond shall be entitled to any security or benefit under this Ordinance or shall be valid or obligatory for any purpose unless and until such Certificate of Authentication shall have been duly executed by the Trustee. Such executed Certificate of Authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Ordinance. The Certificate of Authentication on any Bond shall be deemed to have been duly executed if signed by any authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the Certificate of Authentication on all of the Bonds that may be issued hereunder at any one time.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Optional Redemption. At the option of the City, the Bonds may be called for redemption and payment prior to maturity on February 1, 1985, or on any date thereafter at the redemption price of 100% of the principal amount plus accrued interest thereon to the redemption date.

Section 303. Notice of Redemption. In the event that the City shall elect to redeem and pay the Bonds prior to the maturity thereof pursuant to Section 301 hereof, the City or the Bond Registrar acting on behalf of the City shall give written notice of its intention to redeem and pay the Bonds or portions thereof on a specified date, the same being described by number, principal amount and maturity, said notice to be given by United States registered mail addressed to the original purchaser of the Bonds and to the registered owner of each Bond, each of said notices to be mailed at least 30 days prior to the redemption date. The City shall also publish once in a financial journal in the City of New York, New York, a notice of its intention to call and pay the Bonds on a specified date, the same being described by number, principal amount and maturity, said notice to be published not less than 30 days prior to the date fixed for redemption.

Section 304. Effect of Call for Redemption. Whenever the Bonds are called for redemption and payment as provided in this Article, all interest on the Bonds shall cease from and after the date for which such call is made, provided funds are available for their payment at the price hereinbefore specified.

ARTICLE IV

FORM OF BONDS

Section 401. Form of Bonds. The Bonds shall be printed in accordance with the format required by the Attorney General of the State of Kansas and shall contain information substantially as hereinafter set out or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983) in accordance with the Kansas Bond Registration Law, 1983 Kan. Sess. Laws, ch. 49.

(FORM OF FULLY REGISTERED BOND)

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF ANDERSON

Registered
No. R- _____

Registered
\$ _____

CITY OF GARNETT, KANSAS

WATER AND SEWER SYSTEM REVENUE BOND ANTICIPATION BOND
SERIES 1983

Rate of Interest: 7.25% Maturity Date: May 1, 1986 Dated: November 1, 1983 CUSIP Number: _____

Registered Owner: _____
Principal Amount: _____ THOUSAND DOLLARS

The CITY OF GARNETT, a municipal corporation in the County of Anderson, State of Kansas (the "City"), for value received, hereby promises to pay to the registered owner hereof shown above, or registered assigns, upon presentation and surrender of this Bond, but solely from the revenues derived by the City from the operation of its Water and Sewer System as hereinafter specified and from the proceeds of Water and Sewer System revenue bonds to be issued specifically for the purpose of refunding this Bond, the Principal Amount on the Maturity Date shown above, and to pay interest thereon from the date hereof at the rate per annum shown above (likewise payable solely from the revenues derived by the City from the operation of its Water and Sewer System), payable semiannually on May 1 and November 1 in each year, beginning on May 1, 1984 (the "Interest Payment Dates"), until said principal sum shall have been paid.

The principal of and interest on this Bond shall be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"). The principal of this Bond shall be payable to the registered owner hereof upon presentation of this Bond at the maturity or redemption date to the Paying Agent for payment and cancellation. The interest on this Bond shall be mailed to the registered owner hereof at the address appearing on the registration books of the City maintained by the Bond Registrar or at such other address provided in writing by the registered owner to the Bond Registrar at the close of business on the 15th day of the month preceding the Interest Payment Date (the "Record Dates").

The Bonds are special obligations of the City payable solely from the revenues derived by the City from the operation

of its Water and Sewer System, including revenues derived from extensions and improvements to said Water and Sewer System hereafter constructed or acquired by the City, and from the proceeds of Water and Sewer System revenue bonds to be issued specifically for the purpose of refunding the Bonds. The taxing power of the City is not pledged to the payment of the Bonds either as to principal or interest, and 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.

The terms and provisions of this Bond are continued on the reverse hereof and shall for all purposes have the same effect as though fully set forth at this place.

This Bond has been duly registered in the office of the City Clerk and in the office of the Kansas State Treasurer, and this Bond is negotiable only by assignment.

It is hereby declared and certified that all acts, conditions, and things required to be done and to exist precedent to and in the issuance of this Bond have been properly done and performed and do exist in due and regular form and manner as required by the Constitution and laws of the State of Kansas, and that before the issuance of the Bonds, provision has been made for the collection and segregation of revenues of the City's Water and Sewer System, including the revenues of extensions and improvements to said System hereafter constructed or acquired, and for the application of the same as hereinbefore provided.

This Bond shall not be valid or become obligatory for any purpose until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

IN WITNESS WHEREOF, the City has caused this Bond to be executed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its City Clerk, and its corporate seal to be imprinted hereon, all as of the first day of November 1983.

(facsimile seal)

CITY OF GARNETT, KANSAS

(facsimile)

Mayor

ATTEST:

By _____ (facsimile)
City Clerk

=====

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of Water and Sewer System Revenue Bond Anticipation Bonds, Series 1983, of the City of Garnett, Kansas, described in the within-mentioned Ordinance.

Registration Date _____

Office of the State Treasurer,
Topeka, Kansas
as Bond Registrar and Paying Agent

By _____

Registration Number - 0148-002-110183-081

=====

FURTHER TERMS AND PROVISIONS

At the option of the City, the Bonds may be called for redemption and payment prior to maturity on February 1, 1985, on any date thereafter at the redemption price of 100% of the principal amount plus accrued interest thereon to the redemption date.

In the event the City shall elect to so redeem and pay the Bonds prior to maturity, the City or the Bond Registrar acting on behalf of the City shall give written notice of its intention to redeem and pay the Bonds on a specified date, the same being described by number, principal amount and maturity, said notice to be given by United States registered mail addressed to the original purchaser and to the registered owner of each Bond, each of said notices to be mailed at least 30 days prior to the date fixed for redemption. The City shall also publish once in a financial journal in the City of New York, New York, a notice of its intention to call and pay said Bonds on a specified date, the same being described by number, principal amount and maturity, said notice to be published not less than 30 days prior to the date fixed for redemption. Whenever the Bonds are called for redemption and payment as aforesaid, all interest on the Bonds shall cease from and after the date for which such call is made, provided funds are available for the payment of the Bonds at the price hereinbefore specified.

This Bond is one of an authorized series of Bonds of the City designated "Water and Sewer System Revenue Bond Anticipation Bonds, Series 1983," in an aggregate principal

amount of \$2,715,000 (the "Bonds") issued for the purpose of providing funds for extending, enlarging and improving the City's Water and Sewer System as provided in an ordinance of the City authorizing the Bonds (the "Ordinance"). The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 12-856 to 12-868, inclusive, as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

Under the conditions set forth in the Ordinance, the City has the right to issue additional parity bonds payable from the same source and secured by the same revenues as the Bonds; provided, however, that such additional bonds may be so issued only in accordance with and subject to the covenants, conditions and restrictions relating thereto set forth in the Ordinance.

The City hereby covenants with the holder of this Bond to issue Water and Sewer System revenue bonds to refund this Bond at or prior to its maturity, to keep and perform all covenants and agreements contained in the Ordinance, and to fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the Water and Sewer System of the City, including all extensions and improvements thereto hereafter constructed or acquired by the City, as will produce revenues sufficient to pay the cost of operation and maintenance of its Water and Sewer System and pay the interest on the Bonds and the principal and interest on all other Water and Sewer System revenue bonds of the City hereafter issued and standing on a parity with the Bonds as and when the same become due. Reference is made to the Ordinance for a description of the covenants and agreements made by the City with respect to the collection, segregation and application of the revenues of the Water and Sewer System of the City, the nature and extent of the security of the Bonds, the rights, duties and obligations of the City with respect thereto, and the rights of the holders thereof.

The Bonds are issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. This Bond may be exchanged at the office of the Bond Registrar for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations upon the terms provided in the Ordinance.

The City and the Bond Registrar may deem and treat the registered owner hereof as the absolute owner hereof for purposes of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes and neither the City nor the Bond Registrar shall be affected by any notice to the contrary.

This Bond is transferable by the registered owner hereof in person or by the registered owner's agent duly authorized in writing, at the office of the Bond Registrar, but only in the manner, subject to the limitations and upon payment of the charges provided in the Ordinance and upon surrender and cancellation of this Bond. The City shall pay out of the proceeds of the Bonds all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks.

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LEGAL OPINION

I, the undersigned, City Clerk of the City of Garnett, Kansas, do hereby certify that the following is a true and correct copy of the complete final legal opinion of Gaar & Bell, Bond Counsel, Overland Park, Kansas, on the within Bond and the series of which said Bond is a part, except that said opinion omits the date of such opinion; that said legal opinion was manually executed and was dated and issued as of the date of delivery of and payment for such Bonds, and a copy of said opinion, manually signed, is on file with the undersigned and with the Treasurer of the State of Kansas in the City of Garnett, Kansas.

By _____ (facsimile)
City Clerk

[PRINTED LEGAL OPINION]

=====

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

(Name and Address)

(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of \$ _____ standing in the name of the undersigned on the books of the Treasurer of the State of Kansas (the "Bond Registrar"). The undersigned do(es) hereby irrevocably constitute and appoint _____

_____ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises. Dated _____.

Name

Social Security or
Taxpayer Identification No.

Signature
(Sign here exactly as name(s) appear on the face of Certificate)

Signature guarantee:

By _____

=====

(FORM OF CITY CLERK'S CERTIFICATE)

STATE OF KANSAS)
) SS.
COUNTY OF ANDERSON)

I, the undersigned, City Clerk of the City of Garnett, Kansas, hereby certify that the within Bond has been duly registered in my office according to law.

WITNESS my hand and official seal this _____.

(facsimile seal)

City Clerk

=====

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

I, JOAN FINNEY, Treasurer of the State of Kansas, do hereby certify that a transcript of the proceedings leading up to the issuance of this Bond has been filed in my office, and that this Bond was registered in my office according to law on _____.

WITNESS my hand and official seal.

(seal)

Treasurer of the State of Kansas

BY: _____
Assistant State Treasurer

=====

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS

Section 501. Creation of Funds and Accounts. There are hereby created and ordered to be established in the treasury of the City eight separate accounts to be known respectively as the:

- (a) Water and Sewer System E.P.A. Project Construction Fund (the "E.P.A. Project Construction Fund");
- (b) Water and Sewer System Water Reservoir Project Construction Fund ("the Water Reservoir Construction Fund") (the E.P.A. Project Construction Fund and the Water Reservoir Project Construction Fund are hereinafter referred to collectively as the "Construction Funds");
- (c) Water and Sewer System Revenue Fund (the "Revenue Fund");
- (d) Water and Sewer System Operation and Maintenance Account (the "Operation and Maintenance Account");
- (e) Principal and Interest Account for Water and Sewer System Revenue Bonds, Series 1983 (the "Principal and Interest Account");
- (f) Water and Sewer System Depreciation and Replacement Account (the "Depreciation and Replacement Account"); and
- (g) Water and Sewer System Surplus Account (the "Surplus Account").

Section 502. Administration of Funds and Accounts. The funds and accounts established pursuant to Section 501 hereof shall be maintained and administered by the City solely for the purposes and in the manner as provided in this Ordinance so long as any of the Bonds remain outstanding and unpaid.

ARTICLE VI

APPLICATION OF BOND PROCEEDS

Section 601. Disposition of Bond Proceeds and Other Moneys. The proceeds received from the sale of the Bonds, including any premium or accrued interest thereon, shall be deposited simultaneously with the delivery of the Bonds, as follows:

- (a) There shall be deposited in the Principal and Interest Account any premium on the Bonds and any amount received on account of accrued interest on the Bonds.
- (b) There shall be deposited in the E.P.A. Project Construction Fund the sum of \$356,926.
- (c) There shall be deposited in the Water Reservoir Project Construction Fund the remaining balance of the proceeds of the Bonds.

Section 602. Application of Moneys in the Construction Funds. Moneys in the Construction Funds shall be used by the City for the sole purpose of paying the cost of extending and improving the Water and Sewer System as hereinbefore provided, in accordance with the plans and specifications therefor prepared by the City's consulting engineers heretofore approved by the governing body of the City and on file in the office of the City Clerk, including any alterations in or amendments to said plans and specifications deemed advisable by the City's consulting engineers and approved by the governing body of the City and further, for paying all of the costs and expenses incident to the issuance of the Bonds.

Section 603. Withdrawals from Construction Funds. Withdrawals from the Construction Funds shall be made only when authorized by the governing body of the City and only on duly authorized and executed warrant therefor accompanied by a certificate executed by the Consulting Engineer that such payment is being made for a purpose within the scope of this Ordinance and that the amount of such payment represents only the contract price of the property, equipment, labor, materials or service being paid for or if, such payment is not being made pursuant to an express contract, that such payment is not in excess of the reasonable value thereof. Nothing hereinbefore contained shall prevent the payment out of the Construction Funds of all costs and expenses incident to the issuance of the Bonds without a certificate from the Consulting Engineer.

Section 604. Surplus in Construction Funds. Upon completion of the extensions and improvements to the Water and Sewer System as hereinbefore provided, any surplus remaining in the Construction Funds shall be deposited in the Principal and Interest Account.

ARTICLE VII

APPLICATION OF REVENUES

Section 701. Revenue Fund. The City covenants and agrees that from and after the delivery of the Bonds, and continuing

as long as any of the Bonds remain outstanding and unpaid, all of the revenues derived and collected by the City from the operation of the Water and Sewer System, including the revenues of all extensions and improvements to the Water and Sewer System hereafter constructed or acquired by the City, will be paid and deposited into the Revenue Fund, and that said revenues shall be segregated and kept separate and apart from all other moneys, revenues, funds and accounts of the City and shall not be mingled with any other moneys, revenues, funds and accounts of the City. The Revenue Fund shall be administered and applied solely for the purposes and in the manner herein provided in this Ordinance.

Section 702. Application of Moneys in Funds and Accounts.
The City covenants and agrees that from and after the delivery of the Bonds, and continuing so long as any of the Bonds shall remain outstanding and unpaid, the City will, on the first day of each month, administer and allocate all of the moneys then held in the Revenue Fund as follows:

- (a) There shall first be paid and credited on the first day of each month from the Revenue Fund to the Operation and Maintenance Account an amount sufficient to pay the estimated cost of operating and maintaining the Water and Sewer System during the ensuing month.

All amounts paid and credited to the Operation and Maintenance Account shall be expended and used by the City solely for the purpose of paying the reasonable and proper expenses of operating and maintaining the Water and Sewer System and keeping the Water and Sewer System in good repair and working order, including, without limiting the generality of the foregoing, salaries, wages, costs of materials and supplies, annual audits, periodic consulting engineers' reports, insurance, and the cost of purchased water, if any.

- (b) There shall next be paid and credited on the first day of each month from the Revenue Fund to the Principal and Interest Account, to the extent necessary to meet at maturity thereof the payment of all interest on the Bonds, the following sums:

- (i) Beginning with the first of said monthly deposits and continuing on the first day of each month thereafter so long as any of the Bonds shall remain outstanding and unpaid, an equal pro rata portion of the amount of interest

that will become due on the Bonds on the next succeeding interest payment date;

- (ii) On the first day of each month preceding a month in which fees of the Paying Agent are scheduled to become due, such amounts as may be required to pay such fees of the Paying Agent becoming due in the next month.

All amounts paid and credited to the Principal and Interest Account shall be expended and used by the City for the sole purpose of paying the interest on and principal of the Bonds as and when the same become due and the fees of the Paying Agent for acting as fiscal agent in the payment of said principal and interest.

If at any time the moneys in the Revenue Fund shall be insufficient to make in full the payments and credits at the time required to be made by the City to the principal and interest accounts established by the City to pay the principal of and interest on the outstanding Water and Sewer System revenue bonds of the City, including only the Bonds and any other Water and Sewer System revenue bonds of the City hereafter issued and standing on a parity with the Bonds, the available moneys in the Revenue Fund shall be divided among such principal and interest accounts in proportion to the respective principal amounts of said series of Water and Sewer System revenue bonds of the City at the time outstanding which are payable from the moneys in said principal and interest accounts.

- (c) After all payments and credits required at the time to be made by the City under the provisions of paragraphs (a) and (b) of this Section have been made, there shall next be paid and credited on the first day of each month from the Revenue Fund to the Depreciation and Replacement Account the sum of \$2,000 each month until said Account shall aggregate the sum of \$100,000. Except as hereinafter provided in Section 703, moneys in the Depreciation and Replacement Account shall be expended and used by the City, if no other funds are available therefor, solely for the purpose of making emergency replacements and repairs in and to the City's Water and Sewer System as may be necessary to keep its Water and Sewer System in good repair and working order and to assure the continued effective and efficient operation

thereof. After the Depreciation and Replacement Account aggregates the sum of \$100,000, no further payments into said Account shall be required, but if the City shall ever be required to expend and use a part of the moneys in said Account for its authorized purposes and such expenditure shall reduce the amount of said Account below the sum of \$100,000, then the City shall resume and continue said monthly payments into said Account until said Account shall aggregate the sum of \$100,000.

- (d) After all payments and credits required at the time to be made by the City under the provisions of paragraphs (a), (b) and (c) of this Section have been made, all moneys remaining in the Revenue Fund shall be paid and credited on the first day of each month to the Surplus Account. Moneys in the Surplus Account may be expended and used for the following purposes as determined by the governing body of the City:
- (i) Paying the cost of the operation, maintenance and repair of the City's Water and Sewer System to the extent that may be necessary after the application of the moneys held in the Operation and Maintenance Account under the provisions of paragraph (a) of this Section;
 - (ii) Paying the cost of extending, enlarging or improving the City's Water and Sewer System;
 - (iii) Preventing default in, anticipating payments into or increasing the amounts in the Principal and Interest Account or the Depreciation and Replacement Account referred to in paragraphs (b) and (c) of this Section, or any one of them, or establishing or increasing the amount of any principal and interest account or bond reserve account created by the City for the payment of any Water and Sewer System revenue bonds of the City hereafter issued under the conditions hereinafter specified and standing on a parity with the Bonds;
 - (iv) Calling, redeeming and paying prior to maturity, or, at the option of the City, purchasing in the open market at the best price obtainable not exceeding

the call price (if any bonds are callable), the Bonds or any other Water and Sewer System revenue bonds of the City hereafter issued under the conditions hereinafter specified and standing on a parity with the Bonds, including principal and interest; or

- (v) Paying the principal of and/or interest on any general obligation bonds of the City issued to pay the cost of making improvements to the Water and Sewer System.

Section 703. Deficiency of Payments into Funds or Accounts. If at any time the revenues derived by the City from the operation of its Water and Sewer System shall be insufficient to make any payment on the date or dates hereinbefore specified, the City will make good the amount of such deficiency by making additional payments or credits out of the first available revenues thereafter received by the City from the operation of its Water and Sewer System, such payments and credits being made and applied in the order hereinbefore specified in Section 702 of this Ordinance.

If at any time the moneys in the Principal and Interest Account are not sufficient to pay the principal of and interest on the Bonds as and when the same become due, then moneys in the Surplus Account and the Depreciation and Replacement Account may and shall be used by the City, in that order, to prevent any default in the payment of the principal of and interest on the Bonds.

Section 704. Transfer of Funds to Paying Agent. The Treasurer of the City is hereby authorized and directed to withdraw from the Principal and Interest Account, and, to the extent necessary to prevent a default in the payment of either principal of or interest on the Bonds, the Surplus Account and the Depreciation and Replacement Account as provided in Sections 702 and 703 hereof, sums sufficient to pay the principal of and interest on the Bonds and the fees of the Paying Agent and Bond Registrar when the same become due, and to forward such sums to the Paying Agent not less than 10 days prior to dates when such principal, interest and fees of the Paying Agent and Bond Registrar will become due. If, through lapse of time, or otherwise, the holders of Bonds shall no longer be entitled to enforce payment of their obligations, it shall be the duty of the Paying Agent forthwith to return said funds to the City. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

ARTICLE VIII

DEPOSIT AND INVESTMENT OF FUNDS

Section 801. Deposits of Moneys. Cash moneys in each of the funds and accounts created by and referred to in this Ordinance shall be deposited in a bank or banks located in the State of Kansas which are members of the Federal Deposit Insurance Corporation, and all such bank deposits shall be continuously and adequately secured by the banks holding such deposits as provided by the laws of the State of Kansas.

Section 802. Investment of Funds. Moneys held in any fund or account referred to in this Ordinance may be invested by the City in direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America or in such other obligations as may be permitted by Kansas law; provided, however, that no such investment shall be made for a period extending longer than to the date when the moneys invested may be needed for the purpose for which such fund or account was created. All interest on any investments held in any fund or account shall accrue to and become a part of such fund or account. In determining the amount held in any fund or account under any of the provisions of this Ordinance, obligations shall be valued at the principal amount or the market value thereof, whichever is lower. If and when the amount held in any fund or account shall be in excess of the amount required by the provisions of this Ordinance, the City shall direct that such excess be paid and credited to the Revenue Fund.

Section 803. Arbitrage Covenant. 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 set forth, and that no part of the proceeds of the Bonds shall be invested in any securities or obligations except for the temporary period pending such use, nor 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 Bonds, would have caused any of the Bonds to be or become "Arbitrage Bonds" within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, and the regulations of the Treasury Department thereunder.

ARTICLE IX

PARTICULAR COVENANTS OF THE CITY

The City covenants and agrees with each of the purchasers and owners of any of the Bonds, that so long as any of the Bonds remain outstanding and unpaid:

Section 901. Refunding the Bonds. At or prior to May 1, 1986, the City will issue its Water and Sewer System revenue bonds pursuant to K.S.A. 10-116a, as amended, for the purpose of refunding the Bonds.

Section 902. Efficient and Economical Operation. The City will continuously own and will operate its Water and Sewer System in an efficient and economical manner and will keep and maintain the same in good repair and working order.

Section 903. 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 Water and Sewer System, including all extensions and improvements thereto hereafter constructed or acquired by the City, as will produce revenues sufficient to (i) pay the cost of the operation and maintenance of the Water and Sewer System; (ii) pay the interest on the Bonds and the principal of and interest on all other Water and Sewer System revenue bonds of the City hereafter issued and standing on a parity with the Bonds as and when the same become due; and (iii) enable the City to have in each fiscal year net operating revenues from the Water and Sewer System in an amount that will be not less than 125% of the amount required to be paid by the City in such fiscal year on account of both principal of and interest on all Water and Sewer System revenue bonds at the time outstanding (but excluding the principal of the Bonds to be paid from the proceeds of Water and Sewer System revenue bonds to be issued specifically to refund the Bonds at or prior to May 1, 1986). The City will require the prompt payment of accounts for service rendered by or through the Water and Sewer System and will promptly take whatever action is legally permissible to enforce and collect delinquent charges.

Section 904. Reasonable Charges for all Services. None of the facilities or services provided by the Water and Sewer System will be furnished to any user (excepting the City itself) without a reasonable charge being made therefor. In the event that the revenues derived by the City from the Water and Sewer System shall at any time be insufficient to pay the reasonable expenses of operation and maintenance of the Water and Sewer System and also to pay all interest on and principal of the Bonds as and when the same become due, then the City will thereafter pay into the Revenue Fund a fair and reasonable payment in accordance with effective applicable rates, fees and charges for all services or other facilities furnished to the City or any of its departments by the Water and Sewer System, and such payments will continue so long as the same may be necessary in order to prevent or reduce the amount of any default in the payment of the interest on or principal of the Bonds.

Section 905. Restrictions on Mortgage or Sale of System. The City will not mortgage, pledge or otherwise encumber the

Water and Sewer System or any part thereof, or any extension or improvement thereof, nor will it sell, lease or otherwise dispose of the Water and Sewer System or any material part thereof; provided, however, the City may sell any portion of such property which shall have been replaced by other similar property of at least equal value, or which shall cease to be necessary for the efficient operation of the Water and Sewer System. The proceeds of any such sale or sales shall be paid and deposited into the Revenue Fund. The City may cease to operate, abandon or otherwise dispose of any property which has become obsolete, nonproductive or otherwise unusable to the advantage of the City.

Section 906. Insurance. The City will carry and maintain a reasonable amount of fire and extended coverage insurance upon all of the properties forming a part of the Water and Sewer System insofar as the same are of an insurable nature, such insurance to be of the character and coverage and in an amount as would normally be carried by a private corporation engaged in a similar type of business. In the event of loss or damage, the City, with reasonable dispatch, will use the proceeds of such insurance in reconstructing and replacing the property damaged or destroyed, or, if such reconstruction or replacement be unnecessary, then the City will pay and deposit the proceeds of such insurance into the Revenue Fund. The City in operating the Water and Sewer System will carry and maintain public liability and workmen's compensation insurance in such amounts as would normally be maintained by a private corporation engaged in a similar type of business, and the proceeds derived from such insurance shall be used in paying the claims on account of which such proceeds were received. The cost of all insurance obtained pursuant to the requirements of this subsection shall be paid as an operating cost out of the revenues of the City's Water and Sewer System.

Section 907. Books, Records and Accounts. The City will install and maintain proper books, records and accounts (entirely separate from all other records and accounts of the City) in which complete and correct entries will be made of all dealings and transactions of or in relation to the Water and Sewer System of the City. Such accounts shall show the amount of revenues received from the Water and Sewer System, the application of such revenues, and all financial transactions in connection therewith. Said books shall be kept by the City according to standard accounting practices as applicable to the operation of municipal utilities.

Section 908. Annual Budget. Prior to the commencement of each fiscal year, the director of the Water and Sewer System or her representative of the City designated by the governing body of the City will cause to be prepared and filed with the City Clerk a budget setting forth the estimated receipts and expenditures of the Water and Sewer System for the next succeeding fiscal year. The City Clerk, promptly upon the

filing of said budget in his office, will mail a copy of said budget to the original purchaser of the Bonds. Said annual budget shall be prepared in accordance with the requirements of the laws of Kansas and shall contain all information as shall be required by such laws.

Section 909. Annual Audit. Annually, promptly after the end of the fiscal year, the City will cause an audit to be made of the Water and Sewer System for the preceding fiscal year by a certified public accountant or firm of certified public accountants to be employed for that purpose and paid from the revenues of the Water and Sewer System. Said annual audit shall include:

- (i) A classified statement of the gross revenues received, of the expenditures for operation and maintenance, of the net operating revenues, and of the amount of any capital expenditures made in connection with the system during the previous fiscal year;
- (ii) A balance sheet as of the end of each fiscal year, with the amount on hand at the end of such year in each of the funds and accounts created by and referred to in Article VI of this Ordinance;
- (iii) A statement showing the profit or loss for such fiscal year;
- (iv) A statement of all bonds matured or redeemed and interest paid on bonds during said fiscal year;
- (v) A statement of the number of customers served by the system at the beginning and also at the end of such fiscal year;
- (vi) A statement showing the amount and character of the insurance carried by the City on the property constituting the system and showing the names of the insurers, the expiration dates of the policies, and the premiums thereon; and
- (vii) Such remarks and recommendations regarding the City's practices and procedures of operating the system and its accounting practices as said accountants may deem appropriate.

Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the City Clerk, and a duplicate copy of said audit shall be mailed to the original purchaser of the Bonds. Such audits shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, and user of the services of the Water and Sewer System of the City, any holder of any of the Bonds, or by anyone acting for or on behalf of such taxpayer, user or bondholder.

As soon as possible after the completion of such annual audit, the governing body of the City shall review such audit, and if any audit shall disclose that proper provision has not been made for all of the requirements of the law under which the Bonds are issued, and of this Ordinance, the City covenants and agrees that it will promptly cure such deficiency and that it will promptly proceed to increase the rates, fees and charges to be charged for the use and services furnished by the System as may be necessary to adequately provide for such requirements.

Section 910. Bondholders Right of Inspection. The holder or holders of any of the Bonds shall have the right at all reasonable times to inspect the Water and Sewer System and all records, accounts and data relating thereto, and any such holder shall be furnished all such information concerning the Water and Sewer System and the operation thereof which he may reasonably request.

Section 911. Performance of Duties. The City will faithfully and punctually perform all duties and obligations with respect to the operation of the Water and Sewer System, including all extensions and improvements thereto, now or hereafter imposed upon the City by the Constitution and laws of the State of Kansas and by the provisions of this Ordinance.

ARTICLE X

ADDITIONAL BONDS

Section 1001. Prior Lien Bonds. The City covenants and agrees that so long as any of the Bonds remain outstanding and unpaid, the City will not issue any additional bonds or other debt obligations payable out of the revenues of the Water and Sewer System or any part thereof which are superior in lien or principal or interest payment priority to the Bonds.

Section 1002. Parity Lien Bonds. The City covenants and agrees that so long as any of the Bonds remain outstanding and unpaid, the City will not issue any additional bonds or other long-term obligations payable out of the revenues of the Water

and Sewer System or any part thereof which stand on a parity or equality with the Bonds unless all of the following conditions are met:

- (a) The City shall not be in default in the payment of principal of or interest on the Bonds or in making any payment at the time required to be made into the respective funds and accounts created by and referred to in this Ordinance; and
- (b) The City shall obtain a certificate of the Consulting Engineer showing that the average annual net revenues derived by the City from the operation of the Water and Sewer System, such net revenues being defined as the gross revenues less only the reasonable expenses of operation, maintenance and repair of such system but before other payments or charges, for the two fiscal years immediately preceding the issuance of additional bonds shall have been equal to at least 125% of the maximum amount required to be paid out of said revenues in any succeeding fiscal year on account of both principal and interest becoming due with respect to all Water and Sewer System revenue obligations of the City, including the additional bonds proposed to be issued but excluding the principal of the Bonds expected to be refunded at or prior to May 1, 1986, from the proceeds of Water and Sewer System revenue bonds issued specifically to refund the Bonds. In determining the net revenues of the Water and Sewer System for the purpose of this subsection, the Consulting Engineer may adjust said net revenues by adding thereto, in the event the City shall have made any increase in rates for the use and services of the Water and Sewer System and such increase shall not have been in effect during all of the two fiscal years immediately preceding the issuance of additional bonds, the amount, as estimated by the Consulting Engineer, of the additional net revenues which would have resulted from the operation of the Water and Sewer System during said two preceding fiscal years had such rate increase been in effect for the entire period.
- (c) The proposed additional parity bonds are supplemental revenue anticipation bonds issued for the purpose of providing funds to pay the cost of the extensions, enlargements and improvements hereinbefore described or the cost of making emergency repairs to the Water and

Sewer System and will be refunded from the proceeds of Water and Sewer System revenue bonds issued specifically for that purpose.

Additional revenue bonds of the City issued under the conditions hereinbefore in this Section set forth shall stand on a parity with the Bonds and shall enjoy complete equality or lien on and claim against the revenues of the Water and Sewer System with the Bonds, and the City may make equal provision for paying said bonds and the interest thereon out of the Revenue Fund and may likewise provide for the creation of reasonable principal and interest accounts and bond reserve accounts for the payment of such additional bonds and the interest thereon out of moneys in the Revenue Fund.

Section 1003. Junior Lien Bonds. Nothing in this Section contained shall prohibit or restrict the right of the City to issue additional revenue bonds or other revenue obligations for the purpose of extending, improving, enlarging, repairing or altering the Water and Sewer System and to provide that the principal of and interest on said revenue bonds or obligations shall be payable out of the revenues of the Water and Sewer System, provided at the time of the issuance of such additional revenue bonds or obligations the City shall not be in default in the performance of any covenant or agreement contained in this Ordinance, and provided further that such additional revenue bonds or obligations shall be junior and subordinate to the Bonds so that if at any time the City shall be in default in paying either interest on or principal of the Bonds, or if the City shall be in default in making any payments required to be made by it under the provisions of paragraphs (a), (b) and (c) of Section 702 of this Ordinance, the City shall make no payments of either principal of or interest on said junior and subordinate revenue bonds or obligations until said default or defaults be cured. In the event of the issuance of any such junior and subordinate revenue bonds or obligations, the City, subject to the provisions aforesaid, may make provision for paying the principal of and interest on said revenue bonds or obligations out of moneys in the Revenue Fund.

Section 1004. Refunding Bonds. The City shall have the right, if it shall find it desirable, to refund any of the Bonds then subject to redemption or becoming due, under the provisions of any law then available. Said Bonds or any part thereof may be refunded and the refunding bonds so issued shall enjoy complete equality of lien on and claim against the revenues of the Water and Sewer System; with any of the Bonds which are not refunded, if any provided, however, that if only a portion of the Bonds be refunded and if said Bonds are refunded in such manner that the refunding bonds bear a higher rate of interest or become due on a date earlier than that of the Bonds

which are refunded, then said Bonds may be refunded only by and with the written consent of the holders of 51% of the Bonds not refunded.

ARTICLE XI

DEFAULT AND REMEDIES

Section 1101. Acceleration of Maturity in Event of Default. The City covenants and agrees that if it shall default in the payment of the principal of or interest on any of the Bonds as the same shall become due, and such default shall continue for a period of 30 days, or if the City or its governing body or any of the officers, agents or employees thereof shall fail or refuse to comply with any of the provisions of the Constitution or statutes of the State of Kansas, or of this Ordinance, then, upon 30 days written notice thereafter from any bondholder and while such default shall continue, the holders of 25% in principal amount of the Bonds then outstanding may, by written notice to the City filed in the office of the City Clerk or delivered in person to said City Clerk, declare the principal of all Bonds then outstanding to be due and payable immediately, and upon any such declaration given as aforesaid, all of said Bonds shall become and be immediately due and payable, anything in this Ordinance or in the Bonds contained to the contrary notwithstanding. This provision, however, is subject to the condition that if at any time after the principal of said outstanding Bonds shall have been so declared to be due and payable, all arrears of interest upon all of said Bonds, except interest accrued but not yet due on such Bonds, and all arrears of principal upon all of said Bonds shall have been paid in full, and all other defaults, if any, by the City under the provisions of this Ordinance and under the provisions of the statutes of the State of Kansas shall have been cured, then and in every such case the holders of 50% in principal amount of the Bonds then outstanding, by written notice to the City given as hereinbefore specified, may rescind and annul such declaration and its consequences, but no such rescission or annulment shall extend to or affect any subsequent default or impair any rights consequent thereon.

Section 1102. Remedies. The provisions of this Ordinance, including the covenants and agreements herein contained, shall constitute a contract between the City and the holders of the Bonds, and the holder or holders of not less than 10% in principal amount of the Bonds at the time outstanding shall have the right, for the equal benefit and protection of all holders of Bonds similarly situated:

- (a) By mandamus or other suit, action or proceedings at law or in equity to enforce his or their rights against the City and its officers, agents

and employees, and to require and compel duties and obligations required by the provisions of this Ordinance or by the constitution and laws of the State of Kansas;

- (b) By suit, action or other proceedings in equity or at law to require the City, its officers, agents and employees to account as if they were the trustees of an express trust; and
- (c) By suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the holder of the Bonds.

Section 1103. Limitation on Rights of Bondholders. No one or more bondholders secured hereby shall have any right in any manner whatever by the holder or holders action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all holders of such outstanding Bonds.

Section 1104. Remedies Cumulative. No remedy conferred herein upon the bondholders is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the holder of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any bondholder 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 of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the holders of the Bonds by this Ordinance may be enforced and exercised from time to time and as often as may be deemed expedient. In case any suit, action or proceedings taken by any bondholder on account of any default or to enforce any right or exercise any remedy shall have been discontinued or abandoned for any reason, or shall have been determined adversely to such bondholder, then, and in every such case, the City and the holders of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the bondholders shall continue as if no such suit, action or other proceedings had been brought or taken.

Section 1105. No Obligation to Levy Taxes. Nothing contained in this Ordinance shall be construed as imposing on the City any duty or obligation to levy any taxes either to

meet any obligation incurred herein or to pay the principal of or interest on the Bonds.

ARTICLE XII

DEFEASANCE

Section 1201. Defeasance. When all of the Bonds shall have been paid and discharged, then the requirements contained in this Ordinance and the pledge of revenues made hereunder and all other rights granted hereby shall terminate. Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance if there shall have been deposited with the Paying Agent, or a bank located in the State of Kansas and having full trust powers, at or prior to the maturity or redemption date of the Bonds, in trust for and irrevocably appropriated thereto, moneys and/or direct obligations of, or obligations the principal of and interest on which are guaranteed by, the United States of America which, together with the interest to be earned on any such obligations, will be sufficient for the payment of the principal of the Bonds, the redemption premium thereon, if any, and interest accrued to the date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date, then to the date of the tender of such payments, provided always that if any such Bonds shall be redeemed prior to the maturity thereof, the City shall have elected to redeem such Bonds and notice of such redemption shall have been given. Any moneys and obligations which at any time shall be deposited with said Paying Agent or bank by or on behalf of the City, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to such Paying Agent or bank in trust for the respective holders of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge hereof. All moneys deposited with said Paying Agent or bank shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

ARTICLE XIII

AMENDMENTS

Section 1301. Amendments. The rights and duties of the City and the bondholders, and the terms and provisions of the Bonds or of this Ordinance, may be amended or modified at any time in any respect by ordinance of the City with the written consent of the holders of not less than 51% in principal amount of the Bonds then outstanding, such consent to be evidenced by an instrument or instruments executed by such holders and duly

acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the City Clerk, but no such modification or alteration shall:

- (a) extend the maturity of any payment of principal or interest due upon any Bond;
- (b) effect a reduction in the amount which the City is required to pay by way of principal or interest on any Bond;
- (c) permit the creation of a lien on the revenues of the Water and Sewer System prior or equal to the lien of the Bonds or additional bonds hereafter issued on a parity with the Bonds as hereinbefore provided;
- (d) permit preference or priority of any Bonds over any other Bonds; or
- (e) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Ordinance.

Any provision of the Bonds or of this Ordinance may, however, be amended or modified by ordinance duly adopted by the governing body of the City at any time in any respect with the written consent of the holders of all of the Bonds at the time outstanding.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the City Clerk a copy of the ordinance of the City hereinabove provided for, duly certified, as well as proof of consent to such modification by the holders of not less than 51% in principal amount of the Bonds then outstanding. It shall not be necessary to note on any of the outstanding Bonds any reference to such amendment or modification.

ARTICLE XIV

MISCELLANEOUS PROVISIONS

Section 1401. Severability. If any section or other part of this Ordinance shall for any reason be held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Ordinance.

Section 1402. Governing Law. This Ordinance shall be governed exclusively by and constructed in accordance with the applicable laws of the State of Kansas.

Section 1403. 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 of the City of Garnett, Kansas, this 23rd day of NOVEMBER 1983.

(Seal)

Alvin K. Cole
Mayor

ATTEST:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2678

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 1983 BUDGET TO INCREASE EXPENDITURE CEILINGS FOR THE ELECTRIC UTILITY AND EMPLOYEE BENEFIT FUNDS.

WHEREAS, Notice of Public Hearing has been duly and regularly given pursuant to resolution of this Governing Body; and

WHEREAS, At a public hearing convened and held at City Hall on the 28th day of December, 1983, it was considered and found to be advisable to increase the present expenditure ceilings in the Electric Utility and Employee Benefit Funds as provided in said resolution and notice.

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

SECTION 1: The Electric Utility Fund is hereby amended to increase the expenditure ceiling from \$1,566,276.00 to \$1,666,276.00. The Employee Benefit Fund is hereby amended to increase the expenditure ceiling from \$238,330 to \$243,330.


SECTION 2: That these amendments are made pursuant to the authority contained in the Kansas Budget Law to amend public budgets K.S.A. 79-2925, et seq. and shall take effect and be in force from and after the passage of this Ordinance and publication thereof one (1) time in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 28th day of December, 1983.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2680

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 one year; 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 \$5,468.16 incurred through December 31, 1983 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 February, 1983.



Mayor

Attest:



City Clerk

ATTACHMENT TO ORDINANCE NO. 2680:

Gary Hermreck	\$ 231.22
James E. Chaney	51.88
Bob Maddex	236.16
Calvin Devoe	164.38
Flora Bloom	314.72
Peggy Christopher	110.91
Steve Watson	89.41
Charles Haynie	126.75
Paul White	330.69
Diann Rister	167.28
David Valsvik	75.28
Judy A. Harper	183.01
Betty Shuck	112.61
Paul A. Brewer	83.74
Larry Collins	261.36
John Lyons	380.74
Sharleen Provence	187.29
Richard Sisco	170.73
Robbie Thompson	163.67
Cynthia Doughtry	142.81
Pamela Steed	75.78
Traci Fennell	43.35
William Laturner	70.90
Noah Patterson	80.96
Don Lickteig	8.98
Rick Drake	155.31
James R. Jones	21.57
Richard Inman	78.32
Lisa Blankenship	59.30
Frances Hunt	47.51
Mary J. Harrell	25.22
Peoples Theatre	1,068.80
A. Scott Anderson	99.60
S. M. Jones	7.41
Harold Reed	40.51
	<hr/>
	\$5,468.16

ORDINANCE NO. 2681

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 the Southwest Corner of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4) of Section Nineteen (19), Township Twenty (20), Range Twenty (20), thence North 150 feet, thence East 618 feet, thence South 150 feet, thence West 618 feet to the place of beginning, less highway right-of-way; and less Lot Two (2) of Maplewood Addition to the said City of Garnett, Kansas;

such tract also being described as:

Commencing at the Southeast Corner of Lot Two (2), Maplewood Addition to the City of Garnett, Kansas, thence North 150 feet, thence East 210.4 feet, more or less, thence South 150 feet, thence West 210.4 feet, more or less, to the point of beginning, and being a part of the said Southwest Quarter (SW/4) of Section Nineteen (19), Township Twenty (20), Range Twenty (20);

having met one or more of the classifications for annexation described by K.S.A. 12-519, et seq., and specifically that the owners thereof having petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, and such land being adjacent to an existing boundary of the City of Garnett, Kansas, 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 publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 8TH day of February, 1984.

Caron G. Cole
Mayor

A T T E S T:

Jay E. Martin
City Clerk

ORDINANCE NO. 2684

AN ORDINANCE REPEALING ORDINANCE NO. 2659 OF THE CITY OF GARNETT, KANSAS, AND REINSTATING THE CITY OF GARNETT AS A MEMBER OF THE KANSAS MUNICIPAL ENERGY AGENCY.

WHEREAS, The City of Garnett, Kansas (hereinafter sometimes called the "City") has heretofore been a member of the Kansas Municipal Energy Agency (hereinafter sometimes called the "Agency"), which said Agency is organized and existing under the laws of the State of Kansas; and

WHEREAS, The City has re-examined its prior withdrawal from the Agency and now finds and determines that it is in the best interests of the City and its inhabitants that the City reinstate as a member of the Agency.


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

SECTION 1: Ordinance No. 2659 of the City of Garnett, Kansas, wherein the City withdrew as a member of the Agency, is hereby repealed.

SECTION 2: This Ordinance shall authorize as necessary the Mayor and City Clerk, or both, or either of them, to execute on behalf of the City any necessary documents in order to rescind the City's prior withdrawal and to reinstate the City as a member of the Agency.


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 28th day of March, 1984.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE AMENDING TITLE 4, CHAPTER 6, SECTION 4 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, RELATING TO CHARGES FOR AND OPERATION OF THE MUNICIPAL SANITARY SEWER SYSTEM

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 by the addition of the following subsection, to-wit:

- (E) The City will notify each user at least annually in conjunction with a regular bill of the rate being charged for operation, maintenance, and replacement of the City's Sanitary Sewer System.
- (F) The City will review, not less often than biannually, the service charges provided for in this Section and will revise such rates as necessary to insure that the charges collected therefrom are sufficient to pay the costs of operation and maintenance, including replacement, and to see that such rates continue to provide for the proportional distribution of operation and maintenance, including replacement costs, among all users and all user classes. If it shall be determined in any of such reviews that excess revenues have previously been collected from a class of users, such excess revenues so collected shall be credited to that class for the next year the rates for such class of users is adjusted accordingly.

SECTION 2: This Ordinance shall be construed as amendatory of the existing title, chapter, and section and shall take effect and be in force from and after its passage and publication in an official newspaper of the City of Garnett.

PASSED and APPROVED This 28th day of March, 1984.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2686

AN ORDINANCE PROHIBITING THE RIDING OR LEADING OF HORSES IN THE SOUTH CITY PARK OF THE CITY OF GARNETT, KANSAS, EXCEPT UPON ANY ROADWAY.

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

SECTION 1: It shall be unlawful for any person to ride or to lead a horse in that park area commonly called the South City Park, which is the park and public area surrounding and about Crystal Lake and within the City of Garnett, Kansas, except upon any paved or improved roadway.

SECTION 2: This Ordinance is intended to supplement Title 9, Chapter 5 of the Municipal Code of the City of Garnett, Kansas, entitled "Use of City Parks".

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 28th day of March, 1984.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2688

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 1106 feet east of the
Southeast corner of the Southwest 1/4, Section
25, Township 20, Range 19, Anderson County,
Kansas. Thence east 195 feet, south 151 feet,
thence west 195 feet, thence north 155 feet to
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 the
owners thereof having petitioned for and consented to the
annexation of the same by the City of Garnett, Kansas, such
land being adjacent to an existing boundary of the said City of
Garnett, Kansas, is hereby annexed to and made a part of the
City of Garnett, Kansas.

SECTION 2: Such addition shall be known as "Holloran
Addition to the City of Garnett".


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

PASSED and APPROVED this 9th day of May, 1984.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF GARNETT, KANSAS, IN CONFORMITY WITH THE PROVISIONS OF K.S.A. 12-519, ET SEQ., AND DECLARING THE NAME OF SUCH ANNEXED AREA TO BE "COUNTRY CLUB ADDITION"

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 628 feet east and 40 feet north of the Southwest Corner of the Southeast Quarter (SE/4) of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East, thence North 200 feet, thence West 100 feet, thence North 426 feet, thence East 596 feet, thence South 478 feet, thence West 132 feet, thence South 148 feet, thence West 366 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 the owners thereof have petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, such land being adjacent to an existing boundary of the City of Garnett, Kansas, is hereby annexed to and made a part of the City of Garnett, Kansas, to be known as "Country Club Addition".

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

PASSED and APPROVED This 9th day of May, 1984.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2691

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM; PROVIDING RULES AND REGULATIONS GOVERNING DEVELOPMENT IN FLOOD ZONES AND ESTABLISHING FLOOD ZONES BY MAP.

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

Section 1 - The City Manager hereby has these added responsibilities and is authorized and directed to enforce all the provisions of this Ordinance and all other Ordinances of the City of Garnett now in force or hereafter adopted, relating to zoning, sub-division or building codes.
(local enforcement official)

Section 2 - The City Manager shall be appointed to these additional responsibilities by resolution of the Governing Body and his/her appointment shall continue during good behavior and satisfactory service. During temporary absence or disability of the City Manager, the Governing Body of the City shall designate an acting enforcement official.
(local enforcement official)

Section 3 - The Governing Body of the City of Garnett hereby designates the current Flood Hazard Boundary Map/Flood Insurance Rate Map, and amendments, as the official map to be used in determining those areas of special flood hazard.

Section 4 - Permits Required: No person, firm or corporation shall erect, construct, enlarge or improve any building or structure in the City or cause the same to be done without first obtaining a separate development permit for each building or structure.

a. Within Zone(s) A on the official map, separate development permits are required for all new construction, substantial improvements and other developments, including the placement of mobile homes.

b. Application: To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Be accompanied by plans and specifications for proposed construction.
5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
6. Within designated flood prone areas, be accompanied by elevations (in relation to mean sea level) of the lowest floor (including basement or in the case of floodproofed non-residential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the City Manager.
(local enforcement official)
7. Give such other information as reasonably may be required by the City Manager.
(local enforcement official)

Section 5 - The City Manager shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law.
(local enforcement official)

Section 6 - The City Manager, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of mobile homes and other development(s) (as defined in Section II of this Ordinance) will:
(local enforcement official)

a. Obtain review and reasonably utilize, if available any regulatory flood elevation data from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the official map that the following performance standards be met:

- (1) Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- (2) Non-residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the local enforcement official.

b. Require the use of construction materials and utility equipment that are resistant to flood damage.

c. Require the use of construction methods and practices that will minimize flood damage.

d. Be designed or anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.

e. Assure that in regard to mobile homes, specific anchoring requirements are:

- (1) Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side.
- (2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side.
- (3) All components of the anchoring system be capable of carrying a force of 4800 pounds.
- (4) Any additions to mobile homes be similarly anchored.

Section 7 - The Governing Body of the City shall review all subdivision applications and shall make findings of fact and assure that:

a. All such proposed developments are consistent with the need to minimize flood damage.

b. Subdivision proposals and other proposed new development greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated Zone A.

c. Adequate drainage is provided so as to reduce exposure to flood hazards.

d. All public utilities and facilities are located so as to minimize or eliminate flood damage.

Section 8 - New Water and Sewer, etc. - New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by, or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

Section 9 - The Governing Body of the City will insure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The City will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the City will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.

Section 10 - This Ordinance shall take precedence over conflicting Ordinances or parts of Ordinances. The Governing Body of the City of Garnett may, from time to time, amend this Ordinance to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Ordinance are in compliance with the National Flood Insurance Program Regulation as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976, redesignated at 44 FR 31177, May 31, 1979.

Section 11 - Definition: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

AREAS OF SPECIAL FLOOD HAZARD

- The land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on the official map.

DEVELOPMENT

- Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FLOOD

- A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from any source.

FLOODPROOFING

- Any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

MOBILE HOME

MOBILE HOME PARK
(SUBDIVISION)

REGULATORY FLOOD
ELEVATION

STRUCTURE

SUBSTANTIAL IMPROVEMENT

100-YEAR FLOOD

ADOPTED AND PASSED by the Governing Body of the City of Garnett, Kansas,
this 23rd day of May , 1984 .

Claron G. Cole
Mayor

Seal of City

Attest: Joyce E. Martin City Clerk

- A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.
- "Mobile Home Subdivision" means a parcel (or contiguous parcels) of land which has been divided into two or more lots for rent or sale and the placement of mobile homes.
- The water surface elevation of the 100-year flood.
- A walled and roofed structure, including a gas or liquid storage tank that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, mobile homes and other similar uses.
- "Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations as well as structures listed in National or State Registers of historic places.
- The condition of flooding having a one percent chance of annual occurrence.

12/23/83

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OR DISTRICT OF CERTAIN LANDS LOCATED IN THE CITY OF GARNETT, KANSAS, UNDER THE AUTHORITY GRANTED BY ORDINANCE NO. 2230 OF SAID CITY.

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

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

Lots 1 thru 17, Country Club Addition in the City of Garnett, Kansas.

is hereby changed from A-1 (Agricultural District) to R-1 (Residential District).

SECTION 2: Upon this Ordinance becoming effective, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said Official Zoning Map is hereby reincorporated as amended as a part of Ordinance No. 2230.

SECTION 3: This Ordinance shall take effect and be in force from and after its passage and publication in The Anderson Countian, the official City newspaper.

PASSED By the Commission and approved this 13TH day of June, 19 84.

Carson G. Cole
Mayor

A T T E S T:

Jesse E. Martin
City Clerk

AN ORDINANCE RENAMING A CERTAIN STREET PRESENTLY KNOWN AS PARK AVENUE WITHIN THE CITY OF GARNETT, KANSAS, AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, The City of Garnett, Kansas, has heretofore attempted to rename existing streets, and to name new streets as the same are established, in such a manner as to prevent confusion and minimize misunderstanding of such names; and

WHEREAS, There presently exists within the City of Garnett, Kansas, a certain street or avenue commonly known as "Park Road" and another street commonly known as "Park Avenue", and that the said Park Avenue, running north and south, ought ordinarily to be designated as a street rather than an avenue; and

WHEREAS, The said Park Avenue is sometimes confused with Park Road, an entirely different and separate street; and

WHEREAS, Park Avenue, as the same presently exists, does not align with any other street by the name of Park and is not adjacent to any park and that the continuation of such a name for such street constitutes an anomaly and gives rise to confusion and misunderstanding; and

WHEREAS, The vast majority of the residents along what is commonly known as the said Park Avenue, have petitioned the governing body to change the name thereof to Hayes Street; and

WHEREAS, The Petition being examined and other facts being considered, it is found to be appropriate to rename the said Park Avenue as Hayes Street, in that it most nearly aligns itself with the existing Hayes Street within the said City.

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

SECTION 1: The avenue or street presently known as "Park Avenue" and presently being laid out in the Lizer and Bronston Heights Additions to the City of Garnett shall, from and after the effective date hereof, be renamed and designated "Hayes Street".

SECTION 2: So much of Ordinance 2294 and any other ordinance of the City of Garnett, Kansas, which is in conflict herewith are hereby repealed.

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

PASSED and APPROVED This 27TH day of June, 1984.

Claron S. Cole
Mayor

A T T E S T:

Jay E. Martin
City Clerk

ORDINANCE No. 2695

AN ORDINANCE VACATING A PART OF EAST MONROE AVENUE IN PRETZER ADDITION, AN ADDITION TO THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST; AND PROVIDING FOR THE RECORDING OF THIS SAID ORDINANCE AS A PUBLIC RECORD, ALL PURSUANT TO K.S.A. 14-423.

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

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

Commencing at the northeast corner of Lot One (1), Block Two (2), Pretzer Addition, thence South 325 feet, more or less, to the northwest corner of Lot Four (4), Block Two (2) of the said Pretzer Addition, thence east 806 feet, more or less to the northeast corner of Lot Seven (7), Block Two (2) of said Pretzer Addition, thence north 60 feet to the Southeast corner of Lot Eight (8), Block One (1) of said Pretzer Addition, thence west 745 feet, more or less, to the southwest corner of Lot Five (5) Block One (1), of said Pretzer Addition, thence north to a point directly east of point of beginning, thence west 60 feet more or less, to the point of beginning;

(said tract being an ell-shaped tract and intending to correspond with a part of the area designated on the said plat as East Monroe Avenue) be vacated as a public street. 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 at 8:20 a.m.

SECTION 2: That 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 public street 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: That 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 as Section 2 hereof.

PASSED AND APPROVED This 11th day of July, 1984.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2699

AN ORDINANCE REQUIRING MOTOR VEHICLE LIABILITY INSURANCE COVERAGE IN ACCORDANCE WITH APPLICABLE KANSAS LAW AND REQUIRING OPERATORS OF MOTOR VEHICLES TO DISPLAY EVIDENCE OF SUCH COVERAGE TO LAW ENFORCEMENT OFFICERS; AND DECLARING ILLEGAL THE OPERATION OF UNINSURED MOTOR VEHICLES WITHIN THE CITY OF GARNETT, KANSAS; PROVIDING FOR PENALTIES FOR VIOLATIONS THEREOF; AND SUPPLEMENTING TITLE 10 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS.

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

SECTION 1: (A) Every owner of a motor vehicle shall provide motor vehicle liability insurance coverage in accordance with applicable provisions of Kansas law for every motor vehicle owned by such person and regularly kept within the City of Garnett, Kansas, or operated at any time within the City of Garnett, Kansas, unless such motor vehicle is included under an approved self-insurance plan or is expressly exempted from the provisions of the Kansas Automobile Injury Reparations Act, or any amendment thereto.

(B) An owner of an uninsured motor vehicle shall not permit the operation thereof upon any highway, street, or alley, or upon property open to use by the public, unless such motor vehicle is expressly exempt from the provisions of the Kansas Automobile Injury Reparations Act, or any amendment thereto.

(C) No person shall knowingly, drive an uninsured motor vehicle upon any highway, street, or alley, or upon property open to use by the public, unless such motor vehicle is expressly exempt from the provisions of the Kansas Automobile Injury Reparations Act, or any amendment thereto.

(D) Any person operating a motor vehicle upon a highway, street, or alley, or upon property open to use by the public, unless such motor vehicle is expressly exempt from the provisions of the Kansas Automobile Injury Reparations Act, or any amendment thereto, shall display, upon demand, evidence of financial security to a law enforcement officer.

SECTION 2: For the purpose of this Chapter, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policy holder by the insurer which provides the name of the insurer and the policy number, a certificate of self-insurance signed by the Kansas Commissioner of Insurance, or the completion of a form prescribed by the Kansas Secretary of Revenue and signed by the insurer or an agent of the insurer, certifying that at a particular time the motor vehicle in question was covered by motor vehicle liability insurance.

SECTION 3: Any person violating any provision of this Chapter shall be punished for the first conviction thereof of a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than thirty (30) days; and for a second or subsequent such conviction within three (3) years thereafter, such person shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

SECTION 4: No person charged with violating Subsections 1(B), 1(C), or 1(D) shall be convicted if such person presents in court evidence of financial security for the motor vehicle operated, which was valid at the time of arrest.

SECTION 5: This Ordinance shall be deemed supplementary to Title 10 of the Municipal Code of the City of Garnett, Kansas, and shall be added by the codifier as Chapter 10 of said title.

Ordinance No. 2699
Page 2

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

PASSED and APPROVED This 26TH day of September, 1984.

Claron G. Cole
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

AN ORDINANCE AMENDING TITLE 10, CHAPTER 9, SECTION 3 OF THE MUNICIPAL CODE, DEFINING THE TRANSPORTATION OF LIQUOR OR CEREAL MALT BEVERAGE IN OPEN CONTAINERS AND DECLARING THE SAME TO BE UNLAWFUL; PROVIDING EXCEPTIONS AND PENALTY FOR VIOLATION; AND REPEALING ANY PRIOR OR INCONSISTENT ENACTMENT OF THE CITY OF GARNETT, KANSAS.

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

SECTION 1: Title 10, Chapter 9, Section 3 of the Municipal Code is hereby amended to read as follows:

10-9-3: TRANSPORTATION OF LIQUOR OR CEREAL MALT BEVERAGE IN OPEN CONTAINERS UNLAWFUL; EXCEPTIONS; PENALTY: (A) It shall be unlawful for any person to transport in any vehicle upon any public highway, street, or alley, any alcoholic liquor or cereal malt beverage as the same are defined by applicable provisions of Kansas Statutes Annotated, unless such alcoholic liquor or cereal malt beverage is:

1. In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork, or other means of closure has not been removed;
2. In the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or
3. In the exclusive possession of a passenger in a vehicle which is a recreational vehicle or a bus, as the same are defined by applicable provisions of Kansas Statutes Annotated and which said passenger is not in the driving compartment of such vehicle or is in a portion of such vehicle from which the driver is not directly accessible.

(B) Except as provided in Subsection D hereof, upon adjudication of a violation of this Section, the Judge, in addition to the general penalty provided for violations of this Chapter, shall suspend the person's driver's license or privilege to operate a motor vehicle on the streets and highways of the State of Kansas. Upon adjudication of the first violation by such person, the suspension shall be for three (3) months. Upon adjudication of the second or subsequent violations, the suspension shall be for one (1) year.

(C) Upon suspension of a license pursuant to this Section, the Court shall require the person to surrender the license to the Court, which shall transmit the license to the Division of Motor Vehicles of the Department of Revenue, to be retained until the period of suspension expires. At that time the licensee may apply to the Division for return of the license. If the license had expired, the person may apply for a new license to the said Division of Motor Vehicles.

(D) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this State of any person convicted of violating this Section, as provided in Subsection B, the Judge may enter an order which places conditions on such person's privilege of operating a motor vehicle on the highways of this State, a certified copy of which such person shall be required to carry at any time such person is operating a motor vehicle on the highways of this State. Any such order shall prescribe the duration of the conditions imposed, which in no event shall be for a period of less than three (3) months for a first violation, or more than one (1) year for a second violation.

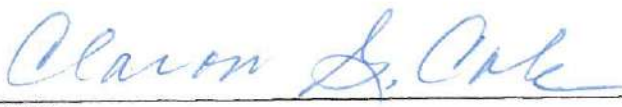
Upon entering an order restricting a person's license hereunder, the Judge shall require such person to surrender such person's driver's license to the court, who shall cause it to be transmitted to the Division of Vehicles, together with a copy of the order. Upon receipt thereof, the Division of Vehicles shall proceed as provided in K.S.A. 41-804(f) or K.S.A. 41-2719(f). Upon expiration of the period of time for which conditions are imposed pursuant to this Subsection, the licensee may apply to the Division for return of the license previously surrendered. In the event such license has expired, the person may apply for a new license to the said Division of Motor Vehicles.

If any person shall violate any of the conditions imposed under this Subsection, such person's driver's license or privilege to operate a motor vehicle on the highways of this State shall be revoked for a period of not less than sixty (60) days, nor more than one (1) year by the Judge of the Municipal Court.

SECTION 2: Title 10, Chapter 9, Section 3 of the Municipal Code as the same presently exists and any other enactment of the City of Garnett inconsistent herewith 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 and APPROVED, This 26TH day of September, 1984.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2701

AN ORDINANCE REPEALING TITLE 10, CHAPTERS 5 AND 6 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, DEALING, RESPECTIVELY, WITH THE REGULATION OF THE OPERATION OF BICYCLES AND OF MOTORCYCLES WITHIN THE SAID CITY

WHEREAS, The City of Garnett, Kansas, has for many years regulated the operation of bicycles within the said City, such regulations collected and codified in Title 10, Chapter 5 of the Municipal Code; and

WHEREAS, The City of Garnett, Kansas, has for many years regulated the operation of motorcycles within the said City, such regulations being collected and codified in Title 10, Chapter 6 of the Municipal Code; and

WHEREAS, Comprehensive regulations governing the operation of both bicycles and motorcycles are now contained in the Standard Traffic Ordinance for Kansas Cities, which has been adopted by the City of Garnett, Kansas, as set out in Title 10, Chapter 7, Section 1 of the Municipal Code; and

WHEREAS, It is no longer necessary or desirable to maintain a separate body of regulations on either such subject.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS, That Title 10, Chapter 5 of the Municipal Code, dealing with the regulation of the operation of bicycles, and Title 10, Chapter 6 of the Municipal Code, dealing with the regulation of the operation of motorcycles, be and both such chapters are hereby repealed.

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 26TH day of September, 1984.



Mayor

A T T E S T:



City Clerk

AN ORDINANCE AMENDING TITLE 4, CHAPTER 1, SECTION 3 DEALING WITH ELECTRICAL INSPECTION GENERALLY; AND SPECIFICALLY AMENDING BY REVISION SUBSECTION "O" AND BY THE ADDITION OF NEW SUBSECTION "P" DEALING WITH PROPERTY OWNERS OBLIGATIONS WITH RESPECT TO INSTALLATION OF ELECTRICAL SERVICE EQUIPMENT; PLACEMENT OF ELECTRICAL METERS; AND PROVIDING FOR CONDITIONS GOVERNING THE REMOVAL AND REPLACEMENT OF ELECTRICAL METERS NOT PRESENTLY IN CONFORMITY THEREWITH.

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

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

(O) All property owners must install an anchor, (knob) to be furnished by the City for the City's service line to be attached to, and such must be installed so as to provide not less than ten feet (10') minimum clearance above groundlevel of the service line to be attached thereto.

SECTION 2: Title 4, Chapter 1, Section 3 of the Municipal Code is hereby amended by the addition of the following material to be designated as Subsection P:

(P) 1. All electric meters shall be located on the outside part of the structure served with electrical utility service; or upon an outside pole for such purpose; and in either case set at a height five and one-half feet (5 1/2') above groundlevel.

2. Any electric meter located other than as provided in Paragraph 1 above shall be removed from such non-complying location and re-located as herein provided. Such removal and re-location shall be accomplished at a time when no utility services are being supplied to such location and before the re-connection of electric utilities for a new owner or new utility customer at such address or location.

3. The removal and re-location of the electric meter and any service line and the restoration of such service lines shall be performed without expense to a utility customer, except: (a) property owner shall assume all responsibility for future maintenance as may be required on that part of the service line running from the newly located meter to the point of consumption; and, (b) the property owner or utility customer shall assume and be fully responsible for any costs as may be necessary to bring the service into conformity with Subparagraphs (K) or (L), as applicable of this Section, and such electrical service shall not be restored until such time as the installation is in compliance with such applicable subpart.

4. Any electric utility customer presently being served at a location where the electric meter is not located as required herein, may at any time request the City to remove and re-locate such meter in accordance herewith.

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.

PASSED and APPROVED This 30th day of October, 1984.

Caron G. Cole
Mayor

A T T E S T:

June E. Martin
City Clerk

AN ORDINANCE RELATING TO STRUCTURES DAMAGED BY FIRE OR EXPLOSION, CREATING A LIEN UPON INSURANCE PROCEEDS WITH RELATION TO SAID STRUCTURE DAMAGED BY FIRE AND EXPLOSION, PROVIDING FOR THE DISBURSEMENT OF SAID INSURANCE PROCEEDS, CREATING A FIRE INSURANCE PROCEEDS FUND, AND PROVIDING FOR A LIEN FOR CERTAIN TAXES DUE UPON STRUCTURES DAMAGED BY FIRE OR EXPLOSION, BY PROVIDING A CERTAIN AMENDMENT IN TITLE VIII OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, SPECIFICALLY BY ADDING A NEW CHAPTER 6 TO SAID CHAPTER OF SAID CODE, AND PROVIDING FOR INCORPORATION OF SAID AMENDMENT INTO THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS.

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

SECTION 1: AMENDMENT TO TITLE VIII OF THE MUNICIPAL CODE. The Municipal Code of the City of Garnett, Kansas, is hereby amended by the addition of Chapter 6 as follows:

CHAPTER 6. INSURANCE PROCEEDS

8-6-1. REGULATIONS ESTABLISHED; REQUIREMENTS OF INSURANCE COMPANIES. The City of Garnett, Kansas, is hereby authorized to establish and does hereby enact the procedures set forth in K.S.A. 1983 Supp. 40-3901, et seq., whereby no insurance company doing business within the City of Garnett, Kansas, shall pay a claim of a named insured for a loss or damage to a building or other structure arising out of any fire or explosion located within the City of Garnett, Kansas, where the amount recoverable for the loss or damage to the building or other structure under all policies is in excess of seventy-five percent (75%) of the face value of the policy covering such building or other insured structure, unless there is compliance with the following procedures:

- (a) When final settlement on a covered claim has been agreed to between the named insured or insureds and the company or companies and said final settlement exceeds seventy-five percent (75%) of the face value of the policy covering a building or other insured structure, and when all amounts due the holder of a first real estate mortgage against the building or other structure, pursuant to the terms of the policy and endorsements thereto, shall have been paid, the insurance company or companies shall execute a draft payable to the City Treasurer in an amount equal to the sum of Five Thousand Dollars (\$5,000.00) or ten percent (10%) of the covered claim payment, whichever is less, unless the City Manager has issued a certificate to the insurance company or companies that the insured has removed the damaged building or other structure, as well as all associated debris, or repaired, rebuilt, or otherwise made the premises safe and secure.
- (b) Such transfer of proceeds shall be on a pro rata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City of Garnett, Kansas, shall be disbursed in accordance with the policy terms, except as otherwise provided herein.
- (c) Upon transfer of the funds as required in Subparagraph (a) of this Section, an insurance company shall provide the City of Garnett, Kansas, with the name and address of the named insured or insureds, the total insurance coverage applicable to said building or other structure, and the amount of the final settlement agreed to between the insurance company or companies and the insured or insureds, whereupon the City Manager shall contact

the named insured or insureds by restricted mail to notify them that said insurance proceeds have been received by the City of Garnett, Kansas, and apprise them of the procedures to be followed under these regulations.

8-6-2. ESTABLISH A FIRE INSURANCE PROCEEDS FUND. The City Treasurer of the City of Garnett, Kansas, is hereby authorized and shall create a fund to be known as the Fire Insurance Proceeds Fund. All moneys received by the City Treasurer, as provided for by this Ordinance, shall be deposited by him in an interest bearing account.

8-6-3. RECEIPT OF INSURANCE PROCEEDS; DUTIES OF CITY.

- (a) Upon receipt of said moneys, the City Treasurer shall immediately notify the City Manager of said receipt and transmit all documentation received from the insurance company or companies to the City Manager.
- (b) Within twenty (20) days of the receipt of said moneys, the City Manager shall determine after prior investigation whether the City shall initiate proceedings under the provisions of K.S.A. 12-1750 et seq., as amended.
- (c) Prior to the expiration of the twenty (20) days established in Subparagraph (b), the City Manager shall notify the City Treasurer whether he intends to initiate proceedings under K.S.A. 12-1750 et seq., as amended.
- (d) If the City Manager has determined that proceedings under K.S.A. 12-1750 et seq., as amended, shall be initiated, he shall do so immediately, but no later than thirty (30) days after receipt of said moneys by the City Treasurer.
- (e) Upon notification to the City Treasurer by the City Manager that no proceedings shall be initiated under K.S.A. 12-1750 et seq., as amended, the City Treasurer shall refund said moneys, plus accrued interest, to the insured or insureds as identified in the communication from the insurance company or companies. Such refund shall be accomplished within thirty (30) days of the receipt of said moneys from the insurance company or companies.

8-6-4. EXCESS PROCEEDS PAID; DUTY OF CITY. If the City Manager has proceeded under the provisions of K.S.A. 12-1750 et seq., as amended, all moneys in excess of that which is ultimately necessary to comply with said provisions for the removal of the building or structure, less salvage value, shall be refunded to the insured.

8-6-5. PAYMENTS MADE FROM FUND; LIENS ESTABLISHED AND RELEASED. If the City Manager, with regard to a building or other structure damaged by fire or explosion, determines that it is necessary to act under K.S.A. 12-1756, any proceeds received by the City Treasurer under authority of Section 8-6-1(a) of this chapter relating to that building or other structure shall be used to reimburse the City for any expenses incurred by the City in proceeding under K.S.A. 12-1756. Upon reimbursement from the insurance proceeds, the City Manager shall immediately effectuate the release of any lien resulting therefrom. Should the expenses incurred by

the City exceed the insurance proceeds paid over to the City Treasurer under Section 8-6-1(a) of this chapter, the City Manager shall establish a new lien as authorized by K.S.A. 12-1756 in an amount equal to such excess expenses incurred.

8-6-6. LIEN ESTABLISHED; OTHER ENCUMBRANCES; OTHER RULES AND REGULATIONS.

- (a) In addition to the liens and procedures created and adopted by the foregoing sections, the City of Garnett, Kansas, in accordance with K.S.A. 1983 Supp. 40-3901 et seq., does hereby create and establish a lien in favor of the City of Garnett, Kansas, in and to the proceeds of any insurance policy, based upon a covered claim payment made for damage or loss to a building or other structure located within the City of Garnett, Kansas, caused by or arising out of any fire or explosion, where the amount recoverable for all the loss or damage to the building or other structure under all policies is in excess of seventy-five percent (75%) of the face value of the policy(s) covering such building or other insured structure. Said lien shall arise by virtue of any unpaid tax, special ad valorem levy, special assessment or other charge imposed upon any real property by or on behalf of said City which is an encumbrance on real property, whether or not evidenced by written instrument, or such tax, levy, assessment, expense or other charge that has remained undischarged for at least one year prior to the filing of a proof of loss on said property(s).
- (b) Prior to final settlement of any claim covered by this Section the insurer or insurers shall contact the County Treasurer of Anderson County, Kansas, to determine whether any such encumbrances are presently in existence. If the same are found to exist, the insurer or insurers shall execute and transmit in an amount equal to that amount owing under said encumbrances, a draft payable to the County Treasurer of Anderson County, Kansas.
- (c) Such transfer of proceeds shall be on a pro rata basis by all insurance companies insuring the building or other structure.

8-6-7. CITY CLERK: DUTY TO NOTIFY. The City Clerk is hereby authorized and shall notify the Commissioner of Insurance of the State of Kansas within fourteen (14) days of the adoption of this Ordinance.

8-6-8. HOW APPLIED; CITY MANAGER TO ADOPT REGULATIONS. This Ordinance shall apply to fire and explosion claims arising on all buildings or structures. The City Manager is hereby authorized to promulgate reasonable regulations to carry out the provisions hereby.

8-6-9. OTHER PROVISIONS. This Chapter shall not make the City of Garnett, Kansas, a party to any insurance contract, nor is the insurer liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

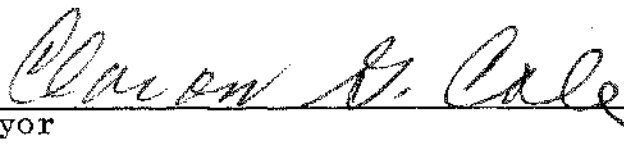
8-6-10. IMMUNITY GRANTED INSURERS; WHEN. Insurers complying with these regulations or attempting in good faith to comply with these regulations shall be immune from civil and criminal liability and such action shall not be deemed

in violation of K.S.A. 40-2404 and any amendments thereto, including withholding payment of any insurance proceeds pursuant to this Ordinance, or releasing or disclosing any information pursuant to this Ordinance.

SECTION 2: EFFECTIVE DATE; PUBLICATION. This Ordinance shall take effect and be in force from and after its adoption and publication in an official city newspaper.

SECTION 3: INCORPORATION IN CODE. Section 1 shall be inserted and incorporated as set out in the Municipal Code of the City of Garnett, Kansas, after publication of this Ordinance.

PASSED and APPROVED this 30th day of October, 1984.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2706

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 AND 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 requisit 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 a part of a street commonly known as Thirteenth 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 the 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 fully advised in the premises, it is found and determined that the improvements therein specified are advisable and that the nature and estimated cost of such improvements are and are approved as follows, to-wit:

Thirteenth Avenue between its intersection with Walnut Street and its intersection with the Railroad Tracks in the right-of-way of the Atchison, Topeka, and Santa Fe Railway Company (20' by 420', more or less)

933.33 square yards of bituminous double seal:

50 ton base rock	\$ 150.00
penetration oil	276.88
1st seal coat - 540 gal. of road oil	405.00
15 ton cover rock	67.50
2nd seal coat - 540 gal. of road oil	405.00
15 ton cover rock	<u>67.50</u>

TOTAL ESTIMATED PROJECT COST \$1,371.88

SECTION 3: It is further found that the extent of the proposed improvement district is:

Lots Eleven (11) through Fourteen (14), Block Two (2) of Mandovi Addition;
Lots Eleven (11) through Twenty (20), Block Three (3) of Mandovi Addition;
Lots Eight (8), Nine (9), and Ten (10), Block Thirteen (13) of Mandovi Addition; and
Lots One (1) through Ten (10), Block Twelve (12) of Mandovi Addition;
all in the City of Garnett, Anderson County, Kansas.

SECTION 4: The entire actual cost of the above improvements shall be assessed against the improvement district herein created and shall be apportioned pro rata to each record owner of tracts within said improvement district based on feet of frontage abutting said Thirteenth Street, the street to be improved as above described.

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 City newspaper.

PASSED and APPROVED This 28th day of November, 1984.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2708

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS, AND AMENDING TITLE 10, CHAPTER 7 OF THE MUNICIPAL CODE; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 1985, WITH CERTAIN OMISSIONS, CHANGES, AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; AMENDING TITLE 10, CHAPTER 4, SECTION 3 OF THE MUNICIPAL CODE RELATING TO PENALTIES FOR CERTAIN SPECIFIED SPEED LIMIT VIOLATIONS; AMENDING TITLE 10, CHAPTER 8, SECTION 3 OF THE MUNICIPAL CODE RELATING TO PENALTIES FOR SCHOOL ZONE SPEED VIOLATIONS; AND REPEALING CONFLICTING PROVISIONS OF THE EXISTING MUNICIPAL CODE AS SPECIFIED; THE PROVISIONS OF ORDINANCE 2670; AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH.

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", Edition of 1985, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections, parts, or portions as are hereafter omitted, deleted, modified, or changed. Not less than three (3) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy As Adopted By Ordinance No. 2708", with all sections or portions thereof intended to be omitted or changed clearly marked to show any 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 For Kansas Cities, 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: AMENDMENT: Article 7, Section 33 of the Standard Traffic Ordinance For Kansas Cities, Edition of 1985, is hereby amended to read as follows:

- Sec. 33. Maximum Speed Limits. (a) Except when
- (i) A special hazard exists that requires a lower speed for compliance with Section 32; or,
 - (ii) A different limit is fixed for a particular street, group of streets, or an area either in Title 10, Chapter 4 or in Title 10, Chapter 8 of the Municipal Code,

the limits specified in this Section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at speeds in excess of such maximum limits:

- (1) Twenty (20) m.p.h. in any business district;
- (2) Thirty (30) m.p.h. in any residential district or in any park;
- (3) Ten (10) m.p.h. in any alley; and
- (4) Fifty-five (55) m.p.h. in all other locations.

The maximum speed limit established by or pursuant to this paragraph shall be in force regardless of whether signs are posted giving notice thereof and notwithstanding any signs giving notice of maximum speed limits in excess thereof, and any sign giving notice of a maximum speed limit in excess of the limits established by or pursuant to this paragraph shall not be of any force or effect.

(b) No person shall drive a school bus to or from school or interschool or intraschool functions or activities at a speed greater than forty-five (45) m.p.h. on any roadway having dirt, sand, or gravel surface, and in no event shall a school bus be driven to or from school or activities in excess of fifty-five (55) m.p.h., notwithstanding any maximum speed limit in excess thereof. The provisions of this subsection shall apply to buses used for the transportation of students enrolled in community junior colleges or area vocational schools when such buses are transporting students to or from school functions or activities.

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

10-7-3: OMISSION: Article 14, Section 105 and Section 106; Article 19, Section 195 and Section 200; and Article 20, Section 201; and each and every subsection thereof, of the Standard Traffic Ordinance For Kansas Cities, Edition of 1985, are hereby omitted.

SECTION 4: PENALTY:

- (a) It is unlawful for any person to violate any of the provisions of this Ordinance.
- (b) The fine for violation of an ordinance traffic infraction, as the same is defined by applicable provisions of Kansas law and as is made unlawful by this Ordinance, or by any other provision of Title 10 of the Municipal Code in which specific reference is made to this subpart, shall be in an amount as fixed by the Municipal Judge from time to time in the schedule of fines required to be established by Kansas law, but such fines shall in no case be less than \$ 10.00 , nor more than \$ 100.00 ; provided, however, in those cases in which the accused person shall enter a plea of not guilty and, after trial,

be convicted of an ordinance traffic infraction, every such person shall be punished for the first conviction thereof by a fine of not more than \$100.00; for a second such conviction within one (1) year thereafter, such person shall be punished by a fine of not more than \$200.00; and upon a third or subsequent conviction within one (1) year after the first conviction, such person shall be punished by a fine of not more than \$500.00.

(c) Every person convicted of a violation of any provision of this Ordinance, other than an ordinance traffic infraction, for which another penalty is not specifically provided by this Ordinance shall be punished for the first conviction thereof by a fine of not more than \$100.00 or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year thereafter, such person shall be punished by a fine of not more than \$200.00 or by imprisonment for not more than twenty (20) days, or by both such fine and imprisonment; and upon a third or subsequent conviction within one (1) year after the first conviction, such person shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

(d) 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 the Municipal Code of the City of Garnett, Kansas; any corresponding provisions of the ordinances of any other city or municipality of this or any other state; the provisions of Chapter 8 of 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: CODIFICATION DIRECTIONS: The official codifier for the City of Garnett, Kansas, is hereby instructed and directed to codify the Section immediately preceding this as Title 10, Chapter 7, Section 4.

SECTION 6: Title 10, Chapter 4, Section 3 of the Municipal Code is hereby amended to read as follows:

10-4-3: 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(b).

SECTION 7: Title 10, Chapter 8, Section 3 of the Municipal Code is hereby amended to read as follows:

10-8-3: 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(b).

SECTION 8: REPEAL: Title 10, Chapter 7, Sections 1, 2, and 3 of the Municipal Code; Title 10, Chapter 4, Section 3 of the Municipal Code; and Title 10, Chapter 8, Section 3 of the Municipal Code, as such sections presently exist; and Ordinance 2670, and all other ordinances expressly in conflict herewith are hereby repealed; provided, however, nothing herein shall be construed as being in conflict with, nor to work a repeal by implication of, any other chapter, section, or subsection of Title 10 of the Municipal Code, other than as specifically delineated herein; and provided, further, that any case pending before the Municipal Court upon the effective date of this Ordinance, but charging a violation under any section hereby repealed shall stay the effectiveness of such repealer with respect to the particular provisions applicable to such pending case and all 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 9: EFFECTIVE DATE: This Ordinance shall take effect and be in force from and after January 1, 1985, and after its passage and publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 28th day of December, 1984.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2709

AN ORDINANCE DECLARING IT UNLAWFUL TO FAIL TO COMPLY WITH A TRAFFIC CITATION; DEFINING THE SAME; PROVIDING THAT THIS ORDINANCE SHALL BE SUPPLEMENTARY TO TITLE 10, CHAPTER 9 OF THE MUNICIPAL CODE.

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

SECTION 1: FAILURE TO COMPLY WITH TRAFFIC CITATION: It shall be unlawful for any accused person to fail to comply with a traffic citation. Failure to comply with a traffic citation means failure either to appear at court in response to a traffic citation and pay in full any fine imposed, or otherwise comply with a traffic citation as provided in K.S.A. 12-4305, as amended by Section 30 of Chapter 39 of the 1984 Session Laws of Kansas. A traffic citation shall include a Uniform Notice to Appear and Complaint issued by a Police Officer; a Notice to Appear issued by the Clerk of the Municipal Court or other court official authorized by law to issue such Notice, or the appearance requirements recited in any recognizance or surety bond when the charge in any such case shall be a violation of any chapter or section of Title 10 of the Municipal Code of the City of Garnett, Kansas. The disposition of the charge for which this said traffic citation was originally issued, shall be immaterial to the determination of whether or not an accused person shall have violated this Section. In addition to other penalties generally applicable when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the Municipal Judge shall inform the Division of Vehicles of the failure to comply.

SECTION 2: SUPPLEMENTARY TO TITLE 10, CHAPTER 9: It is hereby declared that the provisions of this Ordinance shall be supplementary to and become incorporated as a part of Title 10, Chapter 9 of the Municipal Code of the City of Garnett, Kansas.

SECTION 3: EFFECTIVE DATE: 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, 1984.

Claron G. Cole
Mayor

A T T E S T:

Lucas E. Martin
City Clerk

ORDINANCE NO. 2710

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 an iron pin 1138.5 feet north and 1686.5 feet west of the Southeast Corner of Section Thirty (30), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence North 2° 47' West 197.1 feet to the alley, thence West 382.3 feet, thence South 0° 34' West 196.8 feet, thence East 394.4 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 the owners thereof having petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, and such land being adjacent to an existing boundary of the said City of Garnett, Kansas, is hereby annexed to and made a part of the City of Garnett, Kansas.

SECTION 2: Such addition shall be known as "Williams Addition to the City of Garnett".

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

PASSED and APPROVED This 9th day of January, 1985.

Claron G. Cole
Mayor

A T T E S T:

Jesse E. Martin
City Clerk

ORDINANCE NO. 2712

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 5 OF THE MUNICIPAL CODE, PROVIDING FOR WATER UTILITY SERVICE, CLASSIFICATION OF USERS, AND RATES OF CHARGE; REPEALING EXISTING SECTION OF SAID CHAPTER AND TITLE.

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

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

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

(A) Water Utility Service; Classification of Users:

1. Residential Service-Standard:

- (a) This classification of service shall be available only in the territory served by the City's water utility which lies within the corporate limits of said City.
- (b) It shall be applicable to all water service required for residential purposes in individual, private dwellings and individually metered apartments and trailers. Resale of water under this classification shall not be permitted.

2. Residential Service--Outside City:

- (a) This classification of service shall be available in all territory served by the City water utility and which lies outside the corporate limits of said City.
- (b) It shall be applicable to all water service required for residential purposes in individual, private dwellings and individually metered apartments and trailers. Resale of water under this classification shall not be permitted.

3. General Service:

- (a) This classification of service shall be available only in the territory served by the City's water utility which lies within the corporate limits of said City.
- (b) It shall be applicable to any customer served within the corporate limits of the City of Garnett whose water service is not provided for by any other rate classification.

4. General Service--Outside City:

- (a) This classification of service shall be available in all territory served by the City water utility and which lies outside the corporate limits of said City.
- (b) It shall be applicable to any customer served outside the corporate limits of the City of Garnett whose water service is not provided for by any other rate classification.

(B) Water Service; Periodic Rates: The following periodic rates for the use of the water utility are hereby established to users and consumers of the City:


1. Residential Service - Standard: The net rate per month for water purchased under this classification shall be the sum of the customer charge, which is hereby established at six dollars seventy cents (\$6.70) per month, plus a water charge which shall be computed at the rate of three dollars eighty-five cents (\$3.85) for each one thousand (1,000) gallons consumed.
2. Residential Service - Outside City: The net rate per month for water purchased under this classification shall be the sum of the customer charge, which is hereby established at thirteen dollars forty cents (\$13.40) per month, plus a water charge which shall be computed at the rate of five dollars twenty cents (\$5.20) for each one thousand (1,000) gallons consumed.
3. General Service: The net rate per month for water purchased under this classification shall be the sum of the customer charge, which is hereby established at nine dollars sixty cents (\$9.60) per month, plus a water charge which shall be computed at the rate of three dollars eighty-five cents (\$3.85) for each one thousand (1,000) gallons consumed.
4. General Service - Outside City: The net rate per month for water purchased under this classification shall be the sum of the customer charge, which is hereby established at fourteen dollars forty cents (\$14.40) per month, plus a water charge which shall be computed at the rate of five dollars twenty cents (\$5.20) for each one thousand (1,000) gallons consumed.

(C) Coin Sales Rate: 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 five dollars (\$5.00) per one thousand (1,000) gallons sold, payable in advance of delivery.

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

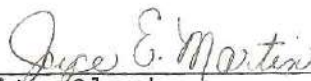
SECTION 3: This Ordinance shall take effect and be in force from and after its passage and its publication in an official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED This 23rd day of January, 1985.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2714

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 four dollars nine cents (\$4.09) 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 three dollars sixty-six cents (\$3.66) 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 February 1, 1985, and after its publication in an official City newspaper.

PASSED and APPROVED this 11th day of February, 1985.



Mayor

Attest:



City Clerk

ORDINANCE NO. 2717

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 45 rods 6 1/2 feet West
of the Southeast Corner of the Southeast Quarter
(SE/4) of Section Nineteen (19), Township Twenty
(20) South, Range Twenty (20) East of the Sixth
P.M., thence North 160 feet, thence West 70 feet,
thence South 160 feet, thence East 70 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 the owners thereof
having petitioned for and consented to the annexation of the same by
the City of Garnett, Kansas, such land being adjacent to an existing
boundary of the said City of Garnett, Kansas, is hereby annexed to
and made a part of the City of Garnett, Kansas.

SECTION 2: Such addition shall be known as "Lasley Addition
to the City of Garnett".

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

PASSED and APPROVED this 11TH day of MARCH, 1985.



Mayor

A T T E S T:



City Clerk

ORDINANCE NO. 2719

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 one year; 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 \$18,069.42 incurred through December 31, 1984 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 25th day of March, 1985.



Mayor

Attest:



City Clerk

ATTACHMENT TO ORDINANCE NO. 2719:

John Sumner	\$ 117.89
Calvin & Norman DeVoe	42.49
Doug Huffman	64.52
Parkview Estates	9,953.37
Roy Young	24.63
Jackie Gilbert	119.25
Herman Hall, Jr.	217.43
Bruce Newlan	87.52
Freida Corle	119.92
Harry Lampkin	65.78
Patrick McGregor	117.31
David Sprague	343.60
Wayne Mauk	64.76
Susan Larkins	48.07
Peggy Wollitz	158.93
Karen S. Taylor	14.81
Wayne Vickers	200.60
Karen Taylor	38.61
Andy Walker	55.79
Debbie Gillis	212.54
Julie M. Scott	200.37
Jim D. Rhodes	94.37
Don Nichols	127.32
Dan Barnhart	185.74
Rick Geer	49.52
Thomas L. Thacker	675.05
Jackie Mosher	32.79
Henry Carey	149.96
Vikki A. Townley	216.93
Bill Fairchild	197.55
Betty Bowlby	218.94
Dr. David R. Victorino	70.72
John Phillips	434.81
Gary L. Strong	263.04
Gary S. Williams	24.72
Lee Keim	121.70
Sherry Brown	66.41
Gayle Carlson	45.73
Pat Anderson	97.52
Arthur Stephens	152.89
Carl Hermreck	30.14
Calvin O'Neal	49.05
Lisa Blankenship	186.88
Vicki Hatley	107.02
Richard Elvington	60.42
Hugh E. Voyles	13.47
Calvin O'Neal	185.97
Kelly Modlin	120.28
Central Kansas Developers	887.56
Central Kansas Developers	897.64
Donald G. Godfrey	37.09
	<u>\$18,069.42</u>

ORDINANCE NO. 2723

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 three dollars seventy cents (\$3.70) 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 three dollars twenty-seven cents (\$3.27) 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 May 1, 1985, and after its publication in an official City newspaper.

PASSED and APPROVED this 13th day of May, 1985.



Mayor

Attest:



City Clerk