ORDINANCE NO. 2344

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 309.3 feet North of the Southwest Corner of the East Half (E/2) of the Southeast Quarter (SE/4) of Section Twenty-four (24), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian and said point being straight West of the Northwest Corner of the property of the State Highway Commission, thence running North along said half section line 180 feet, more or less, to the Southwest Corner of Lot Twenty-three (23) of Hayden's Lakeview Estates Addition to the City of Garnett, Kansas, thence East 200 feet, thence South 180 feet, more or less, thence running directly West 200 feet to the point of beginning;

having met one or more of the classifications for annexation prescribed by K.S.A. 12-519, et seq., and specifically the owners thereof having consented to the annexation of the same by the City of Garnett, Kansas, is hereby annexed and made a part of the City of Garnett, Kansas.

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

PASSED by the City Commission this 28th day of April, 1976.

Edward J. Toomey
Mayor

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2345

AN ORDINANCE VACATING PARTS OF MANDOVI AND CHAPMAN ADDITIONS TO THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE RESERVATION TO SAID CITY AND TO OTHER PUBLIC UTILITIES FOR UTILITY RIGHTS-OF-WAY AND EASEMENTS; 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:

> The street lying between Block Twenty (20) and Twenty-one (21) of Chapman's Addition to the City of Garnett, Kansas, said strip being fifty feet (50') in width north and south and running the full width of said Blocks Twenty (20) and Twenty-one (21);

be vacated as a public street; which said Chapman's Addition was duly platted, and the said plat being dated March 16, 1870, and recorded at Page 13, Plat Book, Office of Register of Deeds, Anderson County, Kansas.

SECTION 2: That the following-described real estate situate in Anderson County, Kansas, to-wit:

> The public street lying between Block Twenty-one (21) of Chapman's Addition and Block One (1) of Mandovi Addition, both additions being to the City of Garnett, Kansas, said strip of land being forty feet (40') in width north and south and running the full length of said two blocks;

be vacated as a public street; which said Chapman's Addition was duly platted as aforesaid and which said Mandovi Addition was duly platted, and the said plat being dated July 19, 1858, and recorded at Page 16, Plat Book, Office of Register of Deeds, Anderson County, Kansas.

SECTION 3: That the area covered by said Blocks Twenty (20) and Twenty-one (21) of Chapman's Addition and said Block One (1) of Mandovi Addition have been somewhat physically isolated from the main part of the said City and from its network of streets and thoroughfares, the same being adjacent to an active railroad right-of-way; and it is found that it is necessary and expedient to vacate the above-described public streets in order that the highest and best use of the land may be made.

SECTION 4: There is hereby reserved to the City of Garnett, Kansas, and to any other public utility, a right-of-way and easement over, through, and under the tracts of real estate above-described for the purpose of the installation, maintenance, removal, or re-installation of any utility services, including, but not limited to, water, gas, sanitary sewer, electric, and telecommunication, over, through, and under the said real estate.

SECTION 5: 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 streets in the Office of City Clerk, City Hall, 131 West Fifth Avenue, Garnett, Kansas, and unless a written protest is filed within the said thirty (30) day period, this Ordinance shall become effective.

SECTION 6: 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 Register of Deeds of Anderson County, Kansas, and be placed of record as provided by law.

SECTION 7: This Ordinance shall take effect and be in force from and after its publication in The Anderson Countian, the official newspaper of the City of Garnett, Kansas, and after expiration of the time for protest, as provided herein and as provided by Kansas statutes.

PASSED and APPROVED This 28th day of April, 1976.

Mayor

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2346

AN ORDINANCE RELATING TO THE BUSINESS OF COMMERCIAL TREE TRIMMING, TREE PRUNING, AND TREE REMOVAL WITHIN THE CORPORATE LIMITS OF THE CITY OF GARNETT, KANSAS; AMENDING INSURANCE REQUIREMENTS OF TITLE 5, CHAPTER 12, SECTION 2 OF THE MUNICIPAL CODE OF SAID CITY AND REPEALING EXISTING SECTION THEREOF.

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

SECTION 1: Title 5, Chapter 12, Section 2 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

> "5-12-2: CERTIFICATE OF INSURANCE: Before a license shall be granted for tree trimming, tree cutting, tree pruning, or removal of trees, the applicant for such license must file and deposit with the City Clerk a policy or certificate of insurance issued by an insurance company authorized to do business in the State of Kansas, which policy or certificate is to be in the sum of at least $10,000.00 for injury, damage, or death of persons and in a sum of at least $10,000.00 for injury or damage to property, but said policy or certificate may include a deductible clause not to exceed $50.00 for any one claim or loss. Said certificate to be approved by the City Attorney and the City Manager. Said insurance policy or certificate shall cover the applicant, his employees, agents, or servants performing any obligation under the applicant's license. Such policy or certificate shall carry an endorsement providing for actual notice to the City of Garnett, Kansas, of any changes thereof. Said insurance policy shall provide that it cannot be cancelled until ten (10) days written notice has been filed with the City Clerk of the City of Garnett, Kansas. Said policy or certificate shall cover all items of damage named herein, except deductible provisions as permitted. The license provided herein shall be automatically revoked upon the receipt of cancellation of the insurance policy or certificate required herein."

SECTION 2: Title 5, Chapter 12, Section 2 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 full force from and after its publication in The Anderson Countian, the official City newspaper.

Passed by the Commission this 28th day of April, 1976.

Edward J. Toomey
Mayor

ATTEST:

R. G. Doran
City Clerk

ORDINANCE NO. 2347

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 Lot Four (4), Block Two (2), in Parkview Addition to the City of Garnett, Kansas, thence west to the east r/w line of the Santa Fe Railroad, thence south along said r/w to a point due west of the Southwest Corner of Lot One (1), Block One (1), in said Parkview Addition, thence east to the Southwest Corner of said Lot One (1), in Block One (1), thence north along the west side of Blocks One (1) and Two (2) in Parkview Addition to the place of beginning;

is hereby changed from R-1 Residential District to R-3 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 a part of Ordinance No. 2230 as herein amended.

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

Passed by the Commission this 28th day of April, 1976.

Edward J. Toomey
Mayor

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2348

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:

> All of Block Twenty-six (26) of the Chapman Addition to the City of Garnett, south of the Missouri Pacific Railroad Tracks; all of Blocks Seven (7), Eight (8), Twenty-one (21), and Twenty-two (22) of Mandovi Addition to the City of Garnett;

is hereby changed from R-3 (Residential District) to I-1 (Light Industrial District).

SECTION 2: 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:

> The Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of the Southwest Fractional Quarter (SW Fr/4) of Section Nineteen (19), Township Twenty (20), Range Twenty (20), less the following-described:
>
> Commencing at the north edge of Park Road at the Southwest Corner of the Southeast Quarter (SE/4) of the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4) of Section Nineteen (19), thence North 155 feet, thence East 189 feet to the west bank of the draw, thence southwesterly 167 feet to the north edge of Park Road, thence West 94.5 feet to the place of beginning and also less:
>
> Beginning at a point 1254 feet east and 439 feet north of the Southwest Corner of Section Nineteen (19), thence North 210 feet, thence West 125 feet, thence South 210 feet, thence East 125 feet to the place of beginning;

is hereby changed from A-1 (Agricultural District) to C-3 (Highway Commercial District).

SECTION 3: Having received a recommendation from the Planning Commission and proper notice having been given and hearing held as provided by law, the zoning classification or district of the following-described land situate in Anderson County, Kansas, to-wit:

> Lot One (1), Block One (1); Lots One (1), Two (2), Three (3), Four (4), and Five (5), inclusive, of Block Two (2), Buds Addition to the City of Garnett;

is hereby changed from C-1 (Local Business District) to R-2 (Residential District).

SECTION 4: 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), Two (2), Three (3), and Four (4) of Block Three (3) in Chapman's Addition to the City of Garnett;

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

SECTION 5: 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 One (1), Block Five (5) of Bryson Addition to the City of Garnett, said point being 40 feet north of section line, thence West 200 feet, thence North 435 feet, thence East 200 feet, thence South 435 feet to the place of beginning, City of Garnett;

is hereby changed from R-1 (Residential District) to I-1 (Light Industrial District).

SECTION 6: 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 Nine (9) and Ten (10), Block Forty-seven (47), City of Garnett;

is hereby changed from R-2 (Residential District) to C-2 (General Business District).

SECTION 7: Upon this Ordinance becoming effective, each of the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference and said Official Zoning Map is hereby reincorporated as a part of Ordinance No. 2230 as herein amended.

SECTION 8: This Ordinance shall take effect and be in force from and after its publication in The Anderson Countian, the official City newspaper.

PASSED By the Commission this 12th day of May, 1976.

Edward J. Toomey
Mayor

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2349

AN ORDINANCE VACATING A PART OF MANDOVI ADDITION TO THE CITY OF GARNETT, KANSAS; PROVIDING FOR THE RESERVATION TO SAID CITY AND TO OTHER PUBLIC UTILITIES FOR UTILITY RIGHTS-OF-WAY AND EASEMENTS; 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 Thirteenth Avenue lying between Blocks Seven (7) and Eight (8) of Mandovi Addition to the City of Garnett, Kansas, said strip being 66 feet in width north and south and running the full width of said blocks, a distance of 270 feet more or less in an east-west direction;

be vacated as a public street; which said Mandovi Addition was duly plated and the said plat being dated July 19, 1858, and recorded at Page 16, Plat Book, Office of Register of Deeds, Anderson County, Kansas.

SECTION 2: That the area covered by the entirety of Block Eight (8) and the south half of Block Seven (7) 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.

SECTION 3: There is hereby reserved to the City of Garnett, Kansas, and to any other public utility, a right-of-way and easement over, through, and under the tracts of real estate above-described for the purpose of the installation, maintenance, removal, or re-installation of any utility services, including, but not limited to, water, gas, sanitary sewer, electric, and telecommunication, over, through, and under the said real estate.

SECTION 4: That within a period of thirty (30) days after the publication of this Ordinance, as provided by law, one or more interested persons may file a written protest to the said vacation of the said public street in the Office of City Clerk, City Hall, 131 West Fifth Avenue, Garnett, Kansas, and unless a written protest is filed within the said thirty (30) day period, this Ordinance shall become effective.

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

SECTION 6: This Ordinance shall take effect and be in force from and after its publication in The Anderson Countian, the official newspaper of the City of Garnett, Kansas, and after expiration of the time for protest, as provided herein and as provided by Kansas statutes.

PASSED and APPROVED This 12th day of May, 1976.

Edward L. Toomey
Mayor

ATTEST:

R. G. Doran
City Clerk

ORDINANCE NO. 2352

AN ORDINANCE ESTABLISHING NEW RATES AND CHARGES FOR THE USE OF THE GAS UTILITY WITHIN THE CITY OF GARNETT, KANSAS AND AMENDING TITLE 4, CHAPTER 4, SECTION 1 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS; PROVIDING AN EFFECTIVE DATE; AND REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER.

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

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

> GAS SERVICE; MONTHLY RATES. The following monthly rates for the use of gas service are hereby established for gas delivered by the City to its utility customers, to-wit:
>
> For the first thousand (1,000) cubic feet, or any fraction thereof, One Dollar thirty-five cents ($1.35), which said sum shall be the minimum monthly bill; and
>
> For all gas used in excess of one thousand (1,000) cubic feet, One dollar, eight cents ($1.08) per one thousand (1,000) cubic feet.

Section 2. Title 4, Chapter 4, Section 1 of the Municipal Code of the City of Garnett, Kansas, as the same presently exists, is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after June 1, 1976 and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 26th day of May, 1976.

Edward D. Toomey
Mayor

Attest:

City Clerk

(Seal)

ORDINANCE NO. 2354

AN ORDINANCE DECLARING THE DESIRABILITY OF IMPROVING THE MUNICIPAL AIRPORT OF THE CITY OF GARNETT, KANSAS, BY ACQUIRING AND IMPROVING A CERTAIN METAL BUILDING AND TO FINANCE SUCH ACQUISITION AND IMPROVEMENT BY THE ISSUANCE OF MUNICIPAL BONDS (GENERAL OBLIGATION) OF SAID CITY, PURSUANT TO K.S.A. 3-113; PROVIDING FOR BOND ELECTION AND THE CONDUCT AND NOTICE THEREOF, PURSUANT TO K.S.A. 10-120.

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

Section 1: That it is hereby found, determined, and declared to be advisable that the municipally-owned airport of the City of Garnett, Kansas, should be improved by the acquisition of title and addition to the existing facilities of that certain metal building now existing upon said airport grounds and the internal improvement thereof; and that the total cost of such acquisition and internal improvement should not exceed the sum of $25,000.00.

Section 2: That the total cost of such acquisition and improvement as aforesaid shall be paid by the issuance of Municipal Bonds (General Obligation) of the City of Garnett, Kansas, not exceeding said amount, as provided and authorized in K.S.A. 3-113.

Section 3: Pursuant to said statute, and pursuant to the provisions of K.S.A. 10-120, there shall be submitted to the legally qualified electors of said City of Garnett, Kansas, at the Primary Election of August 3, 1976, the same occurring within thirty (30) days of the effective date of this Ordinance, a special question, to-wit: Shall the City of Garnett, Kansas, issue its municipal bonds (general obligation) in an amount not to exceed $25,000.00 for the purpose of acquiring and improving a certain existing metal building on the site of the said City's municipal airport as a general improvement thereto, all as provided by K.S.A. 3-113?

Section 4: Said election shall be conducted by the County Election Officer pursuant to K.S.A. 25-2110 and due notice thereof given as provided by law. The ballot for such proposition shall be in accordance with K.S.A. 10-120 and with the provisions of this Ordinance.

Section 5: 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 23RD day of June, 1976.

Edward Toomey
Mayor

CITY OF GARNETT KANSAS

A T T E S T:

City Clerk

(First published in THE ANDERSON COUNTIAN, July 8, 1976)

PROCLAMATION AND CALL FOR SPECIAL BOND ELECTION

AND JOINT NOTICE THEREOF

The qualified electors of the City of Garnett, Kansas, are hereby notified that there will be a special bond election held in said City at the same time and at the same voting places as the Primary Election on the 3rd day of August, 1976, at which time and place there shall be submitted to the said qualified electors the following proposition, to-wit:

SHALL THE FOLLOWING BE ADOPTED?

Shall the City of Garnett, Kansas, issue its Municipal Bonds (General Obligation) in an amount not to exceed Twenty-five Thousand Dollars ($25,000.00) for the purpose of acquiring and improving a certain existing metal building on the site of the said City's Municipal Airport as a general improvement thereto, all as provided by K.S.A. 3-113.

To vote in favor of the bonds, make a cross (x) mark in the square after the word "YES". To vote against the bonds, make a cross (x) mark in the square after the word "NO".

YES. . . . . ☐

NO . . . . . ☐

The vote shall be by ballot in a form prescribed by law upon which the foregoing proposition and voting instructions shall be printed. The polls will be open for voting between the hours of 7:00 a.m. and 7:00 p.m. inclusive of said day and the voting places shall be as follows:

First Ward: United Brethren Church Hall, Second & Pine

Second Ward: Christian Church, Second & Walnut

Third Ward: Fire Room, City Hall, 131 West Fifth

Fourth Ward: Southwest Corner Basement, Courthouse

Done and publicly proclaimed by the Mayor of the City of Garnett, Kansas, on this the 23rd day of June, 1976.

Edward Toomey
Mayor

ATTEST:

City Clerk

This Notice executed and given this 6th day of July, 1976.

Faye Spangler - Deputy
County Election Officer

ORDINANCE NO. 2355

AN ORDINANCE ESTABLISHING NEW RATES AND CHARGES FOR THE USE OF THE GAS UTILITY WITHIN THE CITY OF GARNETT, KANSAS AND AMENDING TITLE 4, CHAPTER 4, SECTION 1 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS; PROVIDING AN EFFECTIVE DATE; AND REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER.

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

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

> GAS SERVICE; MONTHLY RATES. The following monthly rates for the use of gas service are hereby established for gas delivered by the City to its utility customers, to-wit:
>
> For the first thousand (1,000) cubic feet, or any fraction thereof, One Dollar thirty-five cents ($1.35), which said sum shall be the minimum monthly bill; and
>
> For all gas used in excess of one thousand (1,000) cubic feet, One dollar, twelve cents ($1.12) per one thousand (1,000) cubic feet.

Section 2. Title 4, Chapter 4, Section 1 of the Municipal Code of the City of Garnett, Kansas, as the same presently exists, is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after July 1, 1976 and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 14th day of July, 1976.

Edward Toomey
Mayor

Attest:

City Clerk

(SEAL)

ORDINANCE NO. 2356

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO TWO (2) PETITIONS FOR STREET IMPROVEMENTS 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 have been filed with the City of Garnett, Kansas, two (2) separate Petitions, each requesting specified street repairs and improvements, and each such Petition being signed by a number of resident owners of record of property liable for assessment under the proposal; and

WHEREAS, Such Petitions having been previously examined by this Commission are found to be sufficient as required by law, and signed by more than one-half of the resident owners of record of the area liable for such assessment, if the proposal be accepted; and

WHEREAS, This Commission may proceed without notice to make these findings and, pursuant to law, order such improvements without further notice and without receiving protest, or affording opportunity for such protest.

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 repairs and improvements, as specified therein, along Eleventh Avenue between Walnut and Elm Streets is examined and found to be in conformity with K.S.A. 12-6a04 and all other provisions of law.

SECTION 2. The Petition submitted to the Governing Body of the City of Garnett requesting street repairs and improvements, as specified therein, along Twelfth Avenue between Walnut and Vine Streets is examined and found to be in conformity with K.S.A. 12-6a04 and all other provisions of law.

SECTION 3. Based upon such Petitions and being well and fully advised in the premises, it is found and determined that the requested street repairs and improvements are advisable, and that the nature and estimated cost of such improvements are as follows:

(a) Eleventh Avenue between Walnut and Elm Streets (20' by 535')

1189 Square yards of bituminous single seal over a compacted base

Penetrating oil @12¢	$ 142.68
Seal and cover @23¢	273.47
50 tons base rock	100.00
Estimated Project Cost	$ 516.15

(b) Twelfth Avenue between Walnut and Vine Streets (20' by 1100')

2444 Square yards of bituminous single seal over a compacted rock base

Penetrating oil @12¢	$ 293.28
Seal and cover @23¢	562.21
60 tons base rock	120.00
Estimated Project Cost	$ 975.49

SECTION 4. It is further found that the extent of the proposed improvement district is:

(a) With respect to the improvements on Eleventh Avenue between Walnut and Elm Streets:

South Half (S/2) of Block Nineteen (19) and all of Block Twenty-four (24), Chapman's Addition to the said City of Garnett, Kansas.

(b) With respect to the improvements on Twelfth Avenue between Walnut and Vine Streets:

North Half (N/2) of Blocks Four (4), Five (5), and Six (6) in Mandovi Addition; and

Blocks Twenty-four (24) and Twenty-five (25) of Chapman's Addition;

both said additions being a part of the said City of Garnett, Kansas.

SECTION 5. The entire actual cost of the above repairs and improvements shall be assessed against each improvement district herein-created and shall be apportioned among the several property owners of record within each such district, pro rata upon the basis of lot frontage abutting said streets so improved.

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

SECTION 7. This Ordinance shall take effect and be in force from and after its publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED This 14th day of July, 1976.

Edward J. Toomey
Mayor

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2357

AN ORDINANCE DECLARING ELM STREET BETWEEN KAW AVENUE AND SOUTH PARK ROAD A MAIN TRAFFICWAY

WHEREAS, Elm Street within the City of Garnett, Kansas, between KAW AVENUE and South Park Road of said City, carries through traffic between and throughout areas of concentrated activity within the said City and is now and in the future shall be performing the functions of a main trafficway.

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

SECTION 1: That Elm Street lying between Kaw Avenue and South Park Road, within the City of Garnett, Kansas, be and the same is hereby declared, designated, and established as a main trafficway within said City, as such term is defined in K.S.A. 12-685, et seq.

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

PASSED and APPROVED by the Commission this 14th day of July, 1976.

Mayor

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2359

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO TWO (2) PETITIONS FOR STREET IMPROVEMENTS 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 have been filed with the City of Garnett, Kansas, two (2) separate Petitions, each requesting specified street repairs and improvements, and each such Petition being signed by a number of resident owners of record of property liable for assessment under the proposal; and

WHEREAS, Such Petitions having been previously examined by this Commission are found to be sufficient as required by law, and signed by more than one-half of the resident owners of record of the area liable for such assessment, if the proposal be accepted; and

WHEREAS, This Commission may proceed without notice to make these findings and, pursuant to law, order such improvements without further notice and without receiving protest, or affording opportunity for such protest.

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 repairs and improvements, as specified therein, along Tenth Avenue between Walnut and Elm Streets is examined and found to be in conformity with K.S.A. 12-6a04 and all other provisions of law.

SECTION 2. The Petition submitted to the Governing Body of the City of Garnett requesting street repairs and improvements, as specified therein, along Eleventh Avenue between Elm and Vine Streets is examined and found to be in conformity with K.S.A. 12-6a04 and all other provisions of law.

SECTION 3. Based upon such Petitions and being well and fully advised in the premises, it is found and determined that the requested street repairs and improvements are advisable, and that the nature and estimated cost of such improvements are as follows:

(a) Tenth Avenue between Walnut and Elm Streets (20' by 535')

1189 Square yards of bituminous single seal over a compacted base

Penetrating oil @12¢	$ 142.68
Seal and cover @23¢	273.47
50 tons base rock	100.00
Estimated Project Cost	$ 516.15

(b) Eleventh Avenue between Elm and Vine Streets (20' by 529')

1176 Square yards of bituminous single seal over a compacted base

140 tons base rock	$ 280.00
Penetrating oil and seal cover	411.60
Estimated Project Cost	$ 691.60

SECTION 4. It is further found that the extent of the proposed improvement district is:

(a) With respect to the improvements on Tenth Avenue between Walnut and Elm Streets:

South Half (S/2) of Block Thirteen (13) and the North Half (N/2) of Block Nineteen (19) of Chapman's Addition to the said City of Garnett, Kansas.

(b) With respect to the improvements on Eleventh Avenue between Elm and Vine Streets:

South Half (S/2) of Block Seventeen (17) and all of Block Twenty-five (25) of Chapman's Addition to the City of Garnett, Kansas.

SECTION 5. The entire actual cost of the above repairs and improvements shall be assessed against each improvement district herein-created and shall be apportioned among the several property owners of record within each such district, pro rata upon the basis of lot frontage abutting said streets so improved.

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

SECTION 7. This Ordinance shall take effect and be in force from and after its publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED This 28th day of July, 1976.

Edward J. Toomey
Mayor

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2360

AN ORDINANCE RELATING TO THE REGULATION OF SPEED BOATING AND WATER SKIING ON LAKE GARNETT; AMENDING TITLE 9, CHAPTER 5, SECTION 16(A) OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, AND ALSO PROVIDING FOR TEMPORARY PERMITS DURING CERTAIN TIMES.

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

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

> (A) Speed boating and water skiing shall be permitted on Lake Garnett on each Wednesday and Sunday and the first and third Saturdays of each month, from twelve o'clock [12:00] noon to sunset of each day, beginning on and after May 15th and ending on and including November 15th of each year. Speed boating and water skiing shall also be permitted on Lake Garnett between twelve o'clock [12:00] noon and sunset on Memorial Day, July 4th, commonly called Independence Day, and Labor Day of each year. Speed boating on Crystal Lake is prohibited at any time, and speed boating on Lake Garnett other than at the times expressly permitted by this Chapter is prohibited.

SECTION 2. Any speed boat licensed under the terms of this Chapter for operation upon Lake Garnett may be operated during the month of March of each year for purposes of testing upon application by the licensed owner to the City of Garnett for a one day permit, which shall be issued upon application for a date certain, provided, however, that no licensed owner shall be entitled to more than two [2] such permits during any calendar year; and provided further that no water skiing shall be permitted during the month of March; and provided further that all other rules for the operation of speed boats upon Lake Garnett shall be observed when operating under any such one day permit.

SECTION 3. The official City codifier is instructed to encode Section 2 of this Ordinance as 'Subsection K" of Section 16, Chapter 5, Title 9.of the Municipal Code.

SECTION 4. 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 by the Commission this 28th day of July, 1976.

Edward J. Toomey
Mayor

ATTEST:

R. G. Doran
City Clerk

ORDINANCE NO. 2361

AN ORDINANCE AMENDING TITLE 10, CHAPTER 8, SECTION 2 OF THE MUNICIPAL CODE RELATING TO SCHOOL SPEED LIMITS.

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

SECTION 1. Title 10, Chapter 8, Section 2 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

> 10-8-2: SPEED LIMIT: No person shall drive any vehicle on a street designated as a school zone at a speed in excess of twenty [20] miles per hour during the hours of seven thirty o'clock [7:30] a.m. to four thirty o'clock [4:30] p.m. during the days of Monday through Friday of each week and at any time school is in session in the building located in the above-specified zones.

SECTION 2. 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 by the Commission this 28th day of July, 1976.

Edward J. Toomey
Mayor

ATTEST:

R. G. Doran
City Clerk

ORDINANCE NO. 2363

AN ORDINANCE ESTABLISHING NEW RATES AND CHARGES FOR THE USE OF THE GAS UTILITY WITHIN THE CITY OF GARNETT, KANSAS AND AMENDING TITLE 4, CHAPTER 4, SECTION 1 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS; PROVIDING AN EFFECTIVE DATE; AND REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER.

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

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

> GAS SERVICE; MONTHLY RATES. The following monthly rates for the use of gas service are hereby established for gas delivered by the City to its utility customers, to-wit:
>
> For the first thousand (1,000) cubic feet, or any fraction thereof, One Dollar thirty-five cents ($1.35), which said sum shall be the minimum monthly bill; and
>
> For all gas used in excess of one thousand (1,000) cubic feet, One dollar, thirteen cents ($1.13) per one thousand (1,000) cubic feet.

Section 2. Title 4, Chapter 4, Section 1 of the Municipal Code of the City of Garnett, Kansas, as the same presently exists, is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after September 1, 1976 and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 25th day of August, 1976.

Edward Toomey
Mayor

Attest:

City Clerk

(SEAL)

ORDINANCE NO. 2365

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET IMPROVEMENTS 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 specified street repairs and improvements, and such petition being signed by a number of resident owners of record of property liable for assessment under the proposal; and

WHEREAS, Such petition has been previously examined by this Commission and found sufficient as required by law and signed by more than one-half of the resident owners of record of the area liable for such assessment, if the proposal be accepted; and

WHEREAS, This Commission may proceed without notice to make these findings and, pursuant to law, order such improvements without further notice and without receiving protest, or affording opportunity for such protest.

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 repairs and improvements, as specified therein, along Thirteenth Avenue between Walnut and Vine Streets (18' by 1,000'), is examined and found to be in conformity with K.S.A. 12-6a04 and all other provisions of applicable law.

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

Thirteenth Avenue between Walnut to Vine Streets (18' by 1,000')

2,000 Square yards of bituminous double seal over a compacted base

Penetrating oil @15¢ per square yard	$ 300.00
Seal and cover @23¢	920.00
90 tons base rock	180.00
Estimated Project Cost	$ 1,400.00

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

South Half (S/2) of Block Four (4), Block Five (5), Block Six (6), North Half (N/2) of Block Nine (9), Block Ten (10) and Block Eleven (11), all in Mandovi Addition to the City of Garnett, Anderson County, Kansas.

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

SECTION 5. It is hereby ordered that the appropriate departments of the City of Garnett proceed as soon as possible to make the improvements in said improvement district as petitioned for by record owners and found by this Ordinance to be desirable, advisable, and necessary, and upon the 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 Anderson Countian, the official City newspaper.

PASSED and APPROVED This 8th day of September, 1976.

Mayor

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2367

AN ORDINANCE ESTABLISHING NEW RATES AND CHARGES FOR THE USE OF THE GAS UTILITY WITHIN THE CITY OF GARNETT, KANSAS AND AMENDING TITLE 4, CHAPTER 4, SECTION 1 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS; PROVIDING AN EFFECTIVE DATE; AND REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER.

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

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

> GAS SERVICE; MONTHLY RATES. The following monthly rates for the use of gas service are hereby established for gas delivered by the City to its utility customers, to-wit;
>
> For the first thousand (1,000) cubic feet, or any fraction thereof, One Dollar thirty-five cents ($1.35), which said sum shall be the minimum monthly bill; and
>
> For all gas used in excess of one thousand $1,000) cubic feet, One Dollar, fourteen ($1.14) per one thousand (1,000) cubic feet.

Section 2. Title 4, Chapter 4, Section 1 of the Municipal Code of the City of Garnett, Kansas, as the same presently exists, is hereby repealed.

Section 3. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after October 1, 1976 and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 22nd day of September, 1976.

Edward A Toomey
Mayor

Attest:

City Clerk

(SEAL)

ORDINANCE NO. 2369

AN ORDINANCE DECLARING THE DESIRABILITY OF IMPROVING THE MUNICIPAL AIRPORT OF THE CITY OF GARNETT, KANSAS, BY ACQUIRING AND IMPROVING A CERTAIN METAL BUILDING AND TO FINANCE SUCH ACQUISITION AND IMPROVEMENT BY THE ISSUANCE OF MUNICIPAL BONDS (GENERAL OBLIGATION) OF SAID CITY, PURSUANT TO K.S.A. 3-113; PROVIDING FOR BOND ELECTION AND THE CONDUCT AND NOTICE THEREOF, PURSUANT TO K.S.A. 10-120.

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

Section 1: That it is hereby found, determined, and declared to be advisable that the municipally-owned airport of the City of Garnett, Kansas, should be improved by the acquisition of title and addition to the existing facilities of that certain metal building now existing upon said airport grounds and the internal improvement thereof; and that the total cost of such acquisition and internal improvement should not exceed the sum of $25,000.00.

Section 2: That the total cost of such acquisition and improvement as aforesaid shall be paid by the issuance of Municipal Bonds (General Obligation) of the City of Garnett, Kansas, no exceeding said amount, as provided and authorized in K.S.A. 3-113.

Section 3: Pursuant to said statute and pursuant to the provisions of K.S.A. 10-120, there shall be submitted to the legally qualified electors of said City of Garnett, Kansas, at the General Election of November 2, 1976, the same occurring within ninety (90) days of the effective date of this Ordinance, a special question, to-wit: Shall the City of Garnett, Kansas, issue its municipal bonds (general obligation) in an amount not to exceed $25,000.00 for the purpose of acquiring and improving a certain existing metal building on the site of the said City's municipal airport as a general improvement thereto, all as provided by K.S.A. 3-113?

Section 4: Said election shall be conducted by the County Election Officer pursuant to K.S.A. 25-2110 and due notice thereof given as provided by law. The ballot for such proposition shall be in accordance with K.S.A. 10-120 and with the provisions of this Ordinance.

Section 5: 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 22nd day of September, 1976.

Harold J. Toomey
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2370

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 1976, WITH CERTAIN OMISSIONS, CHANGES, AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; AND REPEALING ORDINANCE 2276 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 1976, 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. 2370" 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 2276 and all other ordinances in conflict herewith are repealed; provided, however, nothing herein shall be construed as being in conflict with Ordinance #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 The Anderson Countian, the official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED by the Governing Body of the City of Garnett, this 13th day of October, 1976.

Edward J. Toomey
Mayor

ATTEST:

R. G. Doran
City Clerk

McDonnell

ORDINANCE NO. 2371

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 Lot Seven (7), Block Two (2), Bryson Addition to the City of Garnett, Anderson County, Kansas, thence North 150.4 feet, thence East 133 feet, thence South 150.4 feet, thence West 133 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 consented to the annexation of the same by the City of Garnett, Kansas, is hereby annexed and made a part of the City of Garnett, Kansas.

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

Passed by the City Commission this 13th day of October, 1976.

Edward J. Toomey
Mayor

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2373

AN ORDINANCE PROVIDING FOR THE REGULATION AND PLACEMENT OF MODULAR HOMES; DEFINING CERTAIN TERMS AND AMENDING ORDINANCE NO. 2230 OF THE CITY OF GARNETT, KANSAS; REPEALING PROVISIONS OF ALL ORDINANCES INCONSISTENT THEREWITH.

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

SECTION 1: Section 4-159 of Ordinance No. 2230 of the City of Garnett, Kansas, is hereby amended to read as follows:

> "4-159 MOBILE HOME. A readily moveable, detached, single-family dwelling unit designed for long-term occupancy, built on one or more chassis at a factory, the overall dimensions of which are not less than eight (8) feet in width and thirty-two (32) feet in length, whether used with or without a permanent foundation and generally fabricated with a complete package of major appliances, plumbing, and electrical facilities installed therein and prepared for appropriate external connections or attachments to outside plumbing and electrical systems, and including, but not limited to units constructed on two (2) or more separate chassis units, but designed for eventual connection at site of occupancy, commonly called 'double wide' mobile homes."

SECTION 2: Section 4-175 of Ordinance No. 2230 of the City of Garnett, Kansas, is hereby amended to read as follows:

> "4-175 TRAILER. A vehicle without motor power of its own, designed for carrying passengers or property, storage of property, or habitation by human beings and drawn by an automobile motor, truck, or tractor.

SECTION 3: Ordinance No. 2230 of the City of Garnett, Kansas, is hereby amended by the addition of the following Section, to-wit:

> "4-159a MODULAR HOUSING. A dwelling consisting of standard, factory-built sub-assemblies, commonly called 'modules', transported as a sub-assembly to the construction site and interconnected with other similarly designed, constructed, and transported sub-assemblies or 'modules', and which, when so interconnected at such site, form a structure, upon a permanent foundation, which structure is thereafter not readily moveable and which said structure, when so completed is generally not distinguishable from conventional, permanent housing which has been mostly or entirely constructed from raw materials at the ultimate construction site. Furthermore, to qualify as modular housing, construction of such structure, when completed, shall meet all applicable provisions of the following uniform codes, to-wit:
>
> a. Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials, whose address is 5032 Alhambra Avenue, Los Angeles, California 90032.
>
> b. Uniform Building Code published by the International Conference of Building Officials of 5360 South Workman Mill Road, Whittier, california 90601.
>
> c. National Electrical Code published by the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

Any unit not meeting each and every of the requirements of this definitional section shall be considered a mobile home as defined herein and shall be subject to all mobile home regulations of the City of Garnett, Kansas."

SECTION 4: Ordinance No. 2230 of the City of Garnett, Kansas, is hereby amended by the addition of the following Section, to-wit:

"8-110 MODULAR HOMES.

8-110.01 GENERAL REQUIREMENTS. Modular housing may be located throughout the City of Garnett in any use district wherein a single family dwelling may be located. Any person desiring to erect or install new modular housing or to perform any structural changes on existing modular housing shall be governed and controlled by applicable provisions of this Ordinance.

8-110.02 PROCEDURE. A person desiring to erect or construct modular housing in an R-1 use district shall first make application in writing to the Planning Commission for a permit and no such modular housing shall be located in an R-1 use district without first having obtained a permit from the Planning Commission. The Planning commission shall hold a public hearing, as hereinafter provided, for the purposes of inquiring into such application for modular housing and may, in its deliberations, consider and require to be submitted to it any necessary documentation to enable it to consider the proposed site or location for modular housing, the manufacturer's specifications and plans for the modular unit intended to be located upon such site. The Planning Commission shall, in its inquiry, be entitled to examine into all relevant matters concerning the proposed location of modular housing and may at the conclusion of its hearing grant the application as requested, grant the application subject to conditions or limitations, or deny the application. No such application to the Planning Commission nor public hearing shall be required to locate modular housing in any other permissible use district. All applications required by this Ordinance, whether in this section or elsewhere, shall be accompanied by a certificate of this City, or of the city wherein such modular housing is fabricated and manufactured, or by a certificate of an independent third party approved by the City Manager certifying and attesting to the conformity of such construction with the applicable provisions of the Uniform Plumbing Code, the Uniform Building Code, and the National Electrical Code as set forth in Section 4-159a of this Ordinance.

8-110.03 PLANNING COMMISSION HEARING-NOTICE. Upon receiving an application for the purposes of erection or construction of modular housing in an R-1 use district, the Planning Commission shall hold a public hearing, notice of which shall be given by insertion in a newspaper of general circulation within the City at least twenty (20) days before the date of such hearing. A copy of such notice as published, or a reasonable facsimile thereof, shall be mailed to all owners of land located within two hundred feet (200') of the area or site of such proposed modular housing. Such list of landowners so affected shall be supplied by the applicant and shall accompany the written application.

8-110.04 APPEAL PROCEDURE. Any person aggrieved by the decision of the Planning Commission, upon such application for modular housing, shall be entitled, within ten (10) days of the rendering of such decision to appeal the same to the City Commission upon filing written notice within such period of their intent to appeal. Such notice of appeal shall be served upon the City Clerk and shall set forth in plain, concise language the ruling appealed from and the points relied upon in support of such appeal. The City Commission, upon being advised by the Clerk of receipt of such a notice of appeal, shall set the matter for hearing, either at a regular commission meeting or at a special commission meeting convened for such purpose. The Commission in hearing such appeal shall receive all relevant evidence presented to the Planning Commission and such other evidence as the Commission feels relevant and may affirm, reverse, or modify the decision of the Planning Commission from which the appeal is taken."

SECTION 5: Sections 4-159 and 4-175 of Ordinance No. 2230 of the City of Garnett, Kansas, as the same now exist, and all other ordinances which are inconsistent herewith, are hereby appealed.

SECTION 6: This Ordinance shall take effect and be in force from and after its publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED by the Commission this 18th day of October, 1976.

Edward J. Toomey
Mayor

ATTEST :

R. G. Doran
City Clerk

ORDINANCE NO. 2374

AN ORDINANCE AMENDING TITLE IV, PLUMBING REGULATIONS, CHAPTER 3, OF THE CITY CODE OF THE CITY OF GARNETT, BY AMENDING SECTION 4-3-1, ADOPTION OF PLUMBING CODE AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

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 1976 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. 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 Plumbing Code".

Section 3. ORDINANCES REPEALED. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

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

PASSED and APPROVED this 10th day of November, 1976.

Edward J. Toomey
.....
Mayor

Attest:
.....
City Clerk

(SEAL)

ORDINANCE NO. 2375

AN ORDINANCE ESTABLISHING A CLASSIFICATION OF CUSTOMERS OF THE MUNICIPAL WATER UTILITY AND ESTABLISHING NEW PERIODIC CHARGES FOR SUCH WATER SERVICE; REPEALING EXISTING RATES.

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

SECTION 1: WATER UTILITY SERVICE--CLASSIFICATION OF USERS. Users of the water 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 water utility which lies within the corporate limits of said City.

2. 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.

B. Residential Service--Outside City:

1. 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.

2. 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.

C. General Service:

1. 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.

2. 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.

D. General Service--Outside City:

1. 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.

2. 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.

SECTION 2: 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:

A. 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 Ninety Cents (90¢) for each One Thousand (1,000) gallons consumed.

B. 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 Twenty Cents ($1.20) for each One Thousand (1,000) gallons consumed.

C. 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 Ninety Cents (90¢) for each One Thousand (1,000) gallons consumed.

D. 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 Six Dollars ($6.00) per month, plus a water charge which shall be computed at the rate of One Dollar Twenty Cents ($1.20) for each One Thousand (1,000) gallons consumed.

SECTION 3: 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 ($2.00) per One Thousand (1,000) gallons sold, payable in advance of delivery.

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

RATES OUTSIDE CITY: Any person obtaining gas from the gas system and electricity from the wires of the City, the same being obtained outside the City, shall pay Twenty Per Cent (20%) more than the regular rate paid by the persons obtaining the same who are residents with the City.

SECTION 5: Title 4, Chapter 4, Section 5 of the Municipal Code of the City of Garnett, Kansas, and all other provisions which are in conflict with this Ordinance are hereby repealed.

SECTION 6: EFFECTIVE DATE: 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 10th day of November, 1976.

Edward J. Toomey
Mayor

ATTEST:

R. G. Doran
City Clerk

ORDINANCE NO. 2376

AN ORDINANCE DECLARING THIRTEENTH AVENUE BETWEEN WALNUT AND VINE STREETS A MAIN TRAFFICWAY; DESIGNATING THE SAME AS A PART OF THE MUNICIPAL TRUCK ROUTE.

WHEREAS, Thirteenth Avenue within the City of Garnett, Kansas, between Walnut and Vine Streets of said City, carries through traffic between and throughout areas of concentrated activity within the said City and is now and in the future shall be performing the functions of a main trafficway; and

WHEREAS, A substantial part of such traffic is comprised of commercial truck traffic.

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

SECTION 1: That Thirteenth Avenue lying between Walnut and Vine Streets within the City of Garnett, Kansas, be and the same is hereby declared, designated, and established as a main trafficway within said City, as such term is defined by K.S.A. 12-684, et seq.

SECTION 2: That Thirteenth Avenue lying between Walnut and Vine Streets within the City of Garnett, Kansas, be declared a part of the Municipal Truck Route and by this Ordinance incorporated as a part or segment of such municipal truck route, and appropriate officials of the City administration are directed to post said avenue as a truck route in conformity with the Municipal Code and ordinances of the City of Garnett.

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

PASSED and APPROVED By the Commission this 10th day of November, 1976.

Edward J. Toomey
Mayor

ATTEST:

R. G. Doran
City Clerk

ORDINANCE NO. 2377

AN ORDINANCE GRANTING TO KANSAS CITY POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, POWER AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE AN ELECTRIC TRANSMISSION LINE ALONG, OVER AND ACROSS CERTAIN STREETS, ALLEYS AND PUBLIC HIGHWAYS IN THE CITY OF GARNETT, KANSAS.

WHEREAS, Kansas City Power & Light Company is a corporation duly created, organized and existing under and by virtue of the laws of the State of Missouri, and admitted to do business under the laws of the State of Kansas as a foreign corporation for the purpose of generating and distributing electric energy; and

WHEREAS, Kansas City Power & Light Company is now, and has been for many years, the owner, and operating a system for the transmission of electric current in the vicinity of the City of Garnett, Kansas and between many incorporated cities within the State of Kansas, which system passes into and through the City of Garnett, Kansas, and has been, over such system furnishing electric current to many communities within the State of Kansas, and desires to continue the furnishing of such service.

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

SECTION 1. The right, power and authority is hereby granted to Kansas City Power & Light Company, hereinafter called the Grantee, its successors and assigns, to construct, maintain and operate for a period of twenty (20) years an electric transmission line along, over and across the following described streets, alleys and public highways in the City of Garnett, Kansas, to-wit:

> Beginning at a point which is 1513.3 feet North and 37 feet West of the Southeast corner of the (SE1/4) Southeast Quarter of Section 24, Township Twenty (20) South, Range Nineteen (19) East; thence extend Southerly, parallel with and along the West Right-of-Way of U.S. Highway 59, as it now exists, to a point 130 feet West of said Southeast corner of Southeast Quarter (SE 1/4) of Section 24; thence South into Section 25, a distance of approximately 30 feet to the South Right-of-Way of Highway K-31; thence West along the South edge of Highway K-31 parallel to and approximately 30 feet South of the North line of said section to a point approximately 30' East and 30' South of the centerline intersection of Cleveland Avenue and the North line of said section, thence in a Northwesterly direction into Section 24, outside the City limits of the City of Garnett, Kansas, all within Township 20 South, Range 19 East, Anderson County, Kansas.

SECTION 2. The purpose and intent of this ordinance is to enable the grantee to make service connection for supplying electric energy to the communities it serves and for the purpose of conveying electric energy over said transmission line to communities it serves in the State of Kansas and no right or authority to sell or distribute any electric energy within the City of Garnett, Kansas, is granted by this ordinance.

SECTION 3. Said transmission line shall be substantially erected and maintained in accordance with accepted standards and shall comply with the rules and regulations of the Corporation Commission of the State of Kansas.

SECTION 4. The grantee shall pay to the City Treasurer for the privileges herein granted the sum of $1.00 (One Dollar) annually, payable in advance for the full period, and shall also pay the costs of printing and publication of this ordinance.

SECTION 5. This ordinance shall take effect and be in force from and after ten (10) days from its passage and publication in the city's official paper.

PASSED AND APPROVED this 12th day of January, 1967

Attest:

City Clerk

Edward Toomey
~~CITY MANAGER~~ MAYOR

ORDINANCE NO. 2379

AN ORDINANCE AMENDING TITLE VII, FIRE REGULATIONS, CHAPTER 1 OF THE CITY CODE OF THE CITY OF GARNETT, BY AMENDING SECTION 7-1-1, ADOPTION OF THE UNIFORM FIRE CODE, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. ADOPTION OF UNIFORM FIRE CODE: There is hereby adopted by the City of Garnett, Kansas, for the purpose of the safeguard of life and limb, health, property and public welfare, that certain code known as the "Uniform Fire Code", being particularly the 1976 edition, published by the Western Fire Chiefs Association, whose address is 5360 South Workman Mill Road, Whittier, California 90601, of which not less than three copies have been and are now on file in the Office of the City Clerk.

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. ORDINANCES REPEALED. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper, the Anderson Countian.

PASSED and APPROVED this 1st day of December, 1976.

Edward J. Toomey
.....
Mayor

Attest:

.....
City Clerk

(Published in The Anderson Countian, December 9, 1976)

ORDINANCE NO. 2380

AN ORDINANCE ANNEXING CERTAIN LAND TO THE CITY OF GARNETT, ANDERSON COUNTY, KANSAS, IN CONFORMITY WITH PROVISIONS OF K.S.A. 12-520 (Supp.)

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

SECTION 1. Having met one or more of the requirements for annexation, to-wit: Said land being contiguous to the City of Garnett, Kansas, and all owners thereof having petitioned for its annexation, the following-described land situate in Anderson County, Kansas, to-wit:

> Commencing 300 feet South of the Northeast Corner of the South Half (S/2) of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20, Range Twenty (20), thence running West 580.8 feet, thence North 300 feet, thence West 518.2 feet, thence South 120 feet, thence West 161 feet, thence North 120 feet, thence West 60 feet, thence South 185 feet, thence East 300 feet, thence South 475 feet, thence East 1,020 feet, thence North 360 feet to the point of beginning, containing in all 12.008 acres, more or less;

is hereby annexed to and made a part of the City of Garnett, Anderson County, Kansas.

SECTION 2; This Ordinance shall take effect and be in force from and after its publication in The Anderson Countian, the official City newspaper.

Passed by the Commission this 1st day of December, 1976.

/s/ Edward J. Toomey
Mayor

ATTEST:

/s/ R. G. Doran
City Clerk

ORDINANCE NO. 2381

AN ORDINANCE REDEFINING THE TERRITORIAL LIMITS OF THE CITY OF GARNETT, KANSAS.

WHEREAS, Various tracts, parcels and lots of land have been added to the territorial limits of the City of Garnett, Kansas, during the year 19 , and,

WHEREAS, It is necessary to redefine the territorial limits of the City of Garnett;

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

Section 1. That the boundary of the City of Garnett, as changed by the addition of territory thereto, is hereby described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of the Northwest Quarter of Section 31, Township 20, Range 20, Anderson County, Kansas, thence North on said section line 1326.10 feet to the Southeast Corner of Section 25, Township 20, Range 19, thence North on said section line 679 feet, thence West 720 feet, thence South 679 feet to the South line of said Section 25, thence West 1920 feet to the Southwest Corner of the Southeast Quarter of said Section 25, thence West 485 feet, thence North 1314 feet, thence East 485 feet to the Northwest Corner of the Southwest Quarter of the Southeast Quarter of said Section 25, thence North 3960 feet to the Northwest Corner of the Northeast Quarter of Section 25, Township 20, Range 19, thence East on said section line 2640 feet to the Northeast Corner of the Northeast Quarter of Section 25, thence North 253 feet, thence East 360 feet, thence South 100 feet, thence West 100 feet, thence South 153 feet to the South line of Section 19, Township 20, Range 20, thence East on said section line 1060 feet to the Southeast Corner of the Southwest Quarter of the Southwest Quarter of said Section 19, thence North 662 feet, thence East 850.5 feet to the West line of the right-of-way of the Atchison, Topeka and Santa Fe Railroad, thence Southeasterly along said West line of said railroad right-of-way to the point where said line intersects the South line of said Section 19, thence East along said section line to the Northeast Corner of the West Half of the West Half of the Northeast Quarter of the Northeast

Quarter of said Section 30, Township 20, Range 19, Anderson County, Kansas, thence East 71 feet, thence North 400 feet, thence East 170 feet, thence South 240 feet, thence West 70 feet, thence South 160 feet, thence East 819 feet to the Northeast Corner of said Section 30, thence North 240 feet, thence East 230 feet, thence South 240 feet, thence East 3730 feet to the Northeast Corner of the West Half of the Northeast Quarter of Section 29, Township 20, Range 20, thence South 2130 feet to the North right-of-way of the Missouri Pacific Railroad, thence Southwesterly along the North line of said railroad right-of-way 1060 feet, thence North 23°30' East 118 feet, thence North 152 feet, thence West 545 feet, thence South 430 feet, thence West 225 feet, thence North 2260 feet to the Southeast Corner of the North Half of the North Half of the Northeast Quarter of the Northwest Quarter of said Section 29, thence East 996.1 feet, thence South 165 feet, thence West 323.9 feet, thence South 855 feet to the Southeast Corner of the Northwest Quarter of the Northwest Quarter of Section 29, thence West 1320 feet to the Southwest Corner of the Northwest Quarter of the Northwest Quarter of said Section 29, thence South 180 feet, thence East 334 feet, thence South 1148 feet, thence East 334 feet to the Southwest Corner of the Northwest Quarter of Section 29, thence South approximately 1355 feet to the Southeast Corner of the North Half of the Southeast Quarter of Section 30, Township 20, Range 20, thence West on the South section line of the said North Half of the Southeast Quarter of said Section 30 to a point 40 feet West of the Southwest Corner of Lot 12, Block 78, City of Garnett, thence South 229.5 feet, thence West 193.3 feet, thence Northerly 213.3 feet, thence East 165.5 feet, thence North 16 feet to the Southeast Corner of Lot 1, Block 77, City of Garnett; thence West to the Southwest Corner of the North Half of the Southeast Quarter of Section 30, Township 20, Range 20; thence South 2652.04 feet to the Southeast Corner of the North Half of the Northwest Quarter of Section 31, Township 20, Range 20; thence West along the South line of the North Half of the Northwest Quarter of Section 31, Township 20, Range 20, 2602 feet to the Southwest

Corner of the North Half of the Northwest Quarter of Section 31, to the place of beginning; and commencing at a point where the east side of the right-of-way of the Atchison, Topeka and Santa Fe Railroad intersects the south section line of Section 19, Township 20 South, Range 20 East, thence East to a point 538 feet East of the center line of said Section , thence North 660 feet, thence East 594 feet, thence South 660 feet, thence East 40 feet, thence North 2640 feet, East 198 feet, thence North 2640 feet, thence West 1320 feet, thence North 562.8 feet, thence East 990 feet, thence North 100 feet, thence North 44°48' West 940.5 feet, thence West 330 feet, thence North 330.6 feet, thence North 89°33' West 1185.3 feet, thence South 0°27' West 706.5 feet, thence South 45°0' West 90 feet, thence South 14°7' East 90 feet, thence South 76°7' West 65 feet to a point on the East right-of-way line of the Atchison, Topeka and Santa Fe Railroad, thence South and Southeastward along the East right-of-way line to a point of beginning; and the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of Section 29, Township 20, Range 20, except a tract of 3.7 acres, more or less, described as follows: Beginning at a point 30 feet South of the center of the East side of Section 29, thence South 800 feet, thence West 200 feet, thence North 800 feet, thence East 200 feet to point of beginning. A tract of land 31 acres, more or less, lying in the West Half (W/2) of the Southwest Quarter (SW/4) of Section 28, Township 20, Range 20, described as follows: Beginning at a point 20 feet North of the Southwest Corner of said Section 28, thence North 1800 feet, thence East 750 feet, thence South 1800 feet, thence West 750 feet to point of beginning. East Half (E/2) of the Northwest Quarter (NW/4) of the Southeast Quarter (SE/4) of Section 29, Township 20, Range 20, except a tract of 2 acres more or less, described as follows: Beginning at a point 375 feet West of the Northeast Corner of the Northwest Quarter (NW/4) of the Southeast Quarter (SE/4) of said Section 29, thence South 330 feet, thence West to a point intersecting the West line of said East Half (E/2) of the

Northwest Quarter (NW/4) of the Southeast Quarter (SE/4) of said Section 29, thence North 330 feet, thence East to place of beginning. The Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of Section 29, Township 20, Range 20, except a tract of 5 acres, more or less, described as follows: Beginning at the Southeast Corner of the Southeast Quarter (SE/4) of said Section 29, Township 20, Range 20, thence North 15 rods, thence West 53 1/2 rods, thence South 15 rods, thence East 53 1/2 rods to point of beginning; commencing 225 feet east of the Southwest Corner of the Northeast Quarter (NE/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence North 430 feet, thence East 1097 feet to the right-of-way of the Missouri Pacific Railroad, thence Southwest along said right-of-way to the south line of said Quarter Section, thence West to the point of beginning, except an easement for railroad spur now in place; beginning 889.2 feet West of the Southeast Corner of Southeast Quarter (SE/4) of Section Twenty-four (24), Township Twenty (20), Range Nineteen (19), Anderson County, Kansas, thence North 309.3 feet, thence West 180 feet, thence South 309.3 feet, thence East 180 feet or to the place of beginning; beginning at a point 707.5 feet North of the Southeast Corner of Section 25, Township 20, Range 19, Anderson County, Kansas, thence West 720 feet, thence North 200 feet, thence East 720 feet, thence South 200 feet to place of beginning; commencing at the Southeast Corner of the Southwest Quarter (SW/4) of the Southwest Fractional Quarter (SW Fr/4) of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence North 399 feet, thence West 235 feet, thence South 146 feet, thence West 725 feet, more or less, to the Northeast Corner of Ellis Addition to the City of Garnett, thence South 100

feet, thence West 100 feet, thence South 153 feet, thence East along section line to place of beginning; beginning at a point 1121 feet South of the Northeast Corner of the Southeast Quarter (SE/4) of Section Twenty-four (24), Township Twenty (20) South, Range Nineteen (19) East, thence continuing South from said point for a distance of 1531.3 feet, more or less, to the Southeast Corner of said quarter section, thence running West 1093 feet, thence running North 489.3 feet, thence running West 200 feet, thence running North 1540 feet, thence running East 75 feet, thence running North 629 feet, more or less, to the North boundary line of said quarter section, thence running East along said north boundary line 1008 feet, thence South 420 feet, thence West 161 feet, thence South 198 feet, thence East 378 feet, thence South 200 feet, thence West 217 feet, thence South 174 feet, thence South 52°45' East 210 feet to a point 37 feet directly west of the place of beginning, thence East 37 feet to place of beginning, less: Beginning 889.2 feet West of the Southeast Corner of the said quartersection, thence running North 309.3 feet, thence running West 180 feet, thence running South 309.3 feet, thence running East 180 feet to the place of beginning; and also less: Beginning at a point 60 feet West and 310 feet North of the Southeast Corner of said quarter section, thence West 458 feet, thence North 180 feet, thence East 11 feet, thence North 154 feet, thence East 450 feet, thence South 335 feet, more or less, to the place of beginning. Beginning at a point 309.3 feet North of the Southwest Corner of the East Half (E/2) of the Southeast Quarter (SE/4) of Section Twenty-four (24), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian and said point being straight West of the Northwest Corner of the property of the State Highway Commission, thence running North along said half section line 180 feet, more or less, to the Southwest Corner of Lot Twenty-three (23) of Hayden's Lakeview Estates Addition to the City of Garnett,

Kansas, thence East 200 feet, thence South 180 feet, more or less, thence running directly West 200 feet to the point of beginning. Beginning at the Northwest Corner of Lot Seven (7), Block Two (2), Bryson Addition to the City of Garnett, Anderson County, Kansas, thence North 150.4 feet, thence East 133 feet, thence South 150.4 feet, thence West 133 feet to place of beginning. Commencing 300 feet South of the Northeast Corner of the South Half (S/2) of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20), Range Twenty (20), thence running West 580.8 feet, thence North 300 feet, thence West 518.2 feet, thence South 120 feet, thence West 161 feet, thence North 120 feet, thence West 60 feet, thence South 185 feet, thence East 300 feet, thence South 475 feet, thence East 1,020 feet, thence North 360 feet to the point of beginning, all in Anderson County, Kansas.

Section 2. This Ordinance shall be in force from and after its passage and publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED this 15th day of December, 1976.

Edward J. Toomey
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2382

AN ORDINANCE ESTABLISHING A CLASSIFICATION OF CUSTOMERS OF THE MUNICIPAL GAS UTILITY AND ESTABLISHING NEW PERIODIC CHARGES FOR SUCH GAS SERVICE; REPEALING TITLE 4, CHAPTER 4, SECTIONS 1 AND 2 AND 6 OF THE MUNICIPAL CODE.

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

SECTION 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.

SECTION 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 One Dollar Fifty Cents ($1.50) per month, plus a gas charge which shall be computed at the rate hereinafter fixed for each One Thousand (1,000) cubic feet consumed.

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 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.

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 ($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.

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 ($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.

SECTION 3: 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 $1.25 per thousand cubic feet sold.

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

RATES OUTSIDE CITY: Any person obtaining gas from the gas system and electricity from the wires of the City, the same being obtained outside the City, shall pay in addition to the rate provided by the regular rate structure established by this Municipal Code a Twenty PerCent (20%) surcharge, which shall apply both to customer charges, as applicable, and utility commodity charges.

SECTION 5: Title 4, Chapter 4, Sections 1, 2 and 6 of the Municipal Code of the City of Garnett, Kansas, and all other provisions which are in conflict with this Ordinance are hereby repealed.

SECTION 6: EFFECTIVE DATE: 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 15th day of December, 1976.

Edward J. Toomey
Mayor

ATTEST:

R. G. Doran
City Clerk

ORDINANCE NO. 2383

AN ORDINANCE AMENDING ORDINANCE NO. 2308 AND PROVIDING FOR RECIPROCITY IN LICENSING WORK DONE FOR HIRE OR REMUNERATION ON THE MUNICIPAL GAS, WATER, ELECTRICAL, AND SEWAGE UTILITIES WHEN DONE BY CERTAIN CLASSES OF LICENSEES; PROVIDING FOR THE INCORPORATION OF THE PROVISIONS OF THIS ORDINANCE AND SAID ORDINANCE NO. 2308 AS A NEW CHAPTER 13 OF TITLE V OF THE MUNICIPAL CODE; PROVIDING FOR THE REMOVAL OF SUCH PROVISIONS AND RE-NUMBERING OF TITLE III, CHAPTER 3; REPEALING ANY CONFLICTING ORDINANCE OR CODE PROVISIONS.

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

SECTION 1. Ordinance No. 2308 of the City of Garnett, Section 1 thereof, is hereby amended to read as follows:

"LICENSE REQUIRED; RECIPROCITY:

(a) It shall be unlawful for any person to do any work for hire or for remuneration, in money or money's worth, upon the City's water, gas, electric, or sanitary sewer utilities, or appurtenances, pipes or wires connected thereto, or to make any connection with or alteration or extension to or from the supply pipes or wires or discharge laterals of the respective utilities belonging to any customer thereof or person using any of the said utilities, or any of them, until such person performing such work shall have taken out a license as herein provided.

(b) Any such person possessing a valid license issued by a city of the first or second class of the State of Kansas, the issuance of which depends upon a written examination comparable in scope and difficulty to the examination hereinafter required and which said license authorizes the holder thereof to perform work within said city of the first or second class upon that city's water, gas, electric, or sewer utilities, appurtenances or wires connected thereto or to make alteration or extension to or from the same, shall be exempt from obtaining an additional license from the City of Garnett; provided, however, any person desiring to bring himself within the provisions of this subpart shall have the burden of establishing proof to the satisfaction of the City Manager or his alternate; of the existance of such license; that any bond required to be issued thereby has, in fact, been issued and is in force at the time work is to be performed within the City of Garnett; the scope and difficulty of such examinations required by said issuing city of the first and second class; and such other factors relating to the existence of said license as may in the opinion of the City Manager or his delegate bear upon the comparability of such outside license with a license issued by the City of Garnett hereunder."

SECTION 2. Ordinance No. 2308 of the City of Garnett, Kansas, Section 6 thereof, is hereby amended to read as follows:

"FORFEITURE AND TERM:

(a) Any licensee found guilty of violating the rules, regulations, or ordinances of the City relative to plumbing, whether water or gas, sanitary sewer, or the electric utility, or of the provisions of this ordinance, or whose bond shall lapse or be revoked, shall immediately forfeit his license. Otherwise, the term of such license shall be for one (1) year from date of issue.

(b) Any one permitted to perform plumbing whether water or gas, sanitary sewer, or electric, under the provisions of Section 1(b) as amended herein, shall, upon having been found guilty of violating any of the rules and regulations of the City of Garnett relative to plumbing, whether water or gas, sanitary sewer or the electric utility, or any of the applicable provisions of Ordinance No. 2308 as amended, immediately forfeit and lose his privilege to perform such work within the corporate limits of the City of Garnett under any license issued by any other city."

SECTION 3. The official codifier of the City of Garnett is hereby directed and instructed to re-codify provisions of Ordinance No. 2308 and the amendments thereto contained in this Ordinance, and to place the same as a new Chapter 13 of Title V of the Business Regulations of the City of Garnett, Kansas, and to make appropriate section headings throughout said new Chapter 13.

SECTION 4. The official codifier of the City of Garnett is further directed and instructed to remove from Title III, Chapter 3, all provisions relating to licensing of plumbers, to-wit: Sections 17 to 22 inclusive, and to re-number consecutively the remaining sections of said title and chapter, maintaining the same sequence for the sections thus remaining.

SECTION 5. The provisions of any ordinances or any part of the Municipal Code of the City of Garnet, Kansas, which are in conflict with this Ordinance are hereby repealed.

SECTION 6. 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 By the City Commission this 15th day of December, 1976.

Edward J. Toomey
Mayor

ATTEST:

R. G. Doran
City Clerk

ORDINANCE NO. 2385

AN ORDINANCE FIXING MAXIMUM SEA LEVEL ELEVATIONS OF RAILROAD GRADE CROSSINGS WITHIN THE CITY OF GARNETT, KANSAS; PENALTY AND ENFORCEMENT PROVISIONS SPECIFIED.

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

SECTION 1: The following sea level elevations are hereby fixed as the maximum sea level elevations for railroad grade crossings at the locations specified and shall not be exceeded by the Atchison, Topeka and Santa Fe Railway Company, or its successors, at each respective grade crossing enumerated, to-wit:

Location of Grade Crossing	Maximum Sea Level Elevation
Park Road	1053.33
East First Avenue	1062.39
East Second Avenue	1059.98
East Third Avenue	1057.75
East Fourth Avenue	1054.81
East Fifth Avenue	1052.36
East Sixth Avenue	1050.92
East Seventh Avenue	1048.81
East Thirteenth Avenue	1040.65

SECTION 2: The following sea level elevations are hereby fixed as the maximum sea level elevations for railroad grade crossings at the locations specified and shall not be exceeded by the Missouri Pacific Railroad Company, or its successors, at each respective grade crossing enumerated, to-wit:

Location of Grade Crossing	Maximum Sea Level Elevation
Elm Street	1058.33
Walnut Street	1052.85
Oak Street	1052.39
Seventh Avenue	1052.07
Main Street	1051.19
Sixth Avenue	1047.54
Pine Street	1043.31
Cedar Street	1038.12
Spruce Street	1034.49
Olive Street	1032.99

SECTION 3: Each above sea level elevation is expressed in feet and decimals of a foot and the measurement shall be made to the top of the higher-most rail at each grade crossing location.

SECTION 4: The failure to comply with the provisions of this Ordinance shall, in addition to any other remedy herein provided be deemed a misdemeanor and upon conviction the offending railroad company may be fined in a sum not to exceed One Hundred Dollars ($100.00). Each days violation shall constitute a separate offense. In addition to such criminal prosecution, the City of Garnett may, at its option, move to enforce the provisions of this Ordinance by injunction or other appropriate civil remedy.

SECTION 5: 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 12th day of January, 1977.

Edward Toomey
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2387

AN ORDINANCE AMENDING ORDINANCE #2382 AND ESTABLISHING NEW PERIODIC CHARGES FOR THE MUNICIPAL GAS UTILITY; REPEALING EXISTING SECTION THREE (3) OF SAID ORDINANCE.

SECTION 1. Section Three (3) of Ordinance #2382 of the City of Garnett is hereby amended to read as follows:

> 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 $1.33 per thousand cubic feet sold.

SECTION 2. Section Three (3) of Ordinance #2382, as the same presently exists, is hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after February 1, 1977 and after its publication in the Anderson Countian, the official City newspaper.

Edward Toomey
Mayor

Attest:

City Clerk

ORDINANCE NO. 2388

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

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

WHEREAS, every reasonable effort has been made to collect these due and unpaid utility 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 $578.57, incurred through December 31, 1976 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 January, 1977.

Edward J. Toomey
Mayor

Attest:

R. G. Doran, City Clerk

1975	
Johnny Sims	$ 10.09
Leo King	44.39
Jim Love	6.59
Ellen White	73.63
Rodney Brown	5.57
Claude Hughes	23.50
Michael Tremblay	16.12
	$179.89
1976	
George Baldwin	$ 19.19
Donald Berger	27.82
Jo Anne Corr	6.47
Larry Keller	36.69
Bob Ulses	74.40
Ima Jeanne Titus	29.36
George R. Franks	44.87
Bill Williamson	24.88
Jeannie Eravi	42.56
Carl Carter	72.77
Richard Strimple	19.67
	$398.68
TOTAL	$578.57

ORDINANCE NO. 2389

AN ORDINANCE DECLARING THE DESIRABILITY OF IMPROVING AND REPAIRING THE MUNICIPAL SWIMMING POOL; AND OF IMPROVING A CERTAIN BASEBALL PLAYING FIELD BY INSTALLING PERMANENT, ARTIFICIAL ILLUMINATION; AND TO FINANCE SUCH IMPROVEMENTS TO THE PARKS AFORESAID BY THE ISSUANCE OF MUNICIPAL BONDS (GENERAL OBLIGATION) OF THE CITY OF GARNETT, PURSUANT TO K.S.A. 12-1302; PROVIDING FOR BOND ELECTION AND THE CONDUCT AND NOTICE THEREOF, PURSUANT TO K.S.A. 10-120.

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

Section 1.: It is hereby found, determined and declared to be advisable that the municipally-owned swimming pool of the City of Garnett, Kansas, the same being a part of the said city's park system, should be improved and repaired by installing a two-inch (2") thick gunite coating over the sidewalls and bottom of the pool, repairs to adjacent walkways and installation of new filtration pipes; and that the total cost of such improvements should not exceed the sum of $30,000.00.

Section 2.: It is hereby found, determined and declared to be advisable that that certain municipally-owned baseball playing field, commonly called Diamond No. 3, North Park, the same being a part of the City of Garnett's park system, should be improved by the installation of permanent, artificial illumination devices of a size and type, and in sufficient number, to allow nighttime play thereon; and that the total cost of such improvements should not exceed the sum of $20,000.00

Section 3.: That the total cost of such park improvements as aforesaid, $50,000.00, shall be paid by the issuance of Municipal Bonds (General Obligation) of the City of Garnett, Kansas, not exceeding $50,000.00, as provided and authorized by K.S.A. 12-1302.

Section 4.: Pursuant to said statute, and pursuant to the provisions of K.S.A. 10-120, there shall be submitted to the legally qualified electors of said city of Garnett, Kansas, at the City Election of April 5th, 1977, the same occurring within 90 days of the effective date of this ordinance, a special question, to-wit: Shall the City of Garnett, Kansas, issue its municipal bonds (general obligation) in an amount not to exceed $50,000.00 for the purpose of improving and repairing the municipal swimming pool and improving a certain baseball playing field, commonly called Diamond No. 3, North Park?.

Section 5.: Said election shall be conducted by the County Election Officer pursuant to K.S.A. 25-2110 and due notice thereof given as provided by law; and appropriate city officers are directed to prepare and execute all necessary documents necessary therefor. The ballot for such proposition shall be in accordance with K.S.A. 10-120 and with the provisions of this ordinance.

Section 6.: 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 26th day of January, 1977.

Edward J Toomey
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2390

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:

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

Class 4:

Water necessary only 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 the official City newspaper as a legal notice and may be publicized additionally 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 persons, 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, shall be prohibited;

c. Sales of water at coin-operated sites or 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 consumers 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 the sum of One Hundred Dollars ($100.00), which said fine shall not in any way be abated or reduced by the Municipal Court 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 the sum of 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 The Anderson Countian, the official City newspaper.

PASSED and APPROVED, This _____ day of February, 1977.

Edward J. Toomey
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2392

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 2A OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS AND ESTABLISHING NEW PERIODIC CHARGES FOR THE MUNICIPAL GAS UTILITY; REPEALING CONFLICTING PROVISIONS.

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 $1.34 per one thousand (1,000) cubic feet sold.

SECTION 2. Title 4, Chapter 4, Section 2A of the Municipal Code of the City of Garnett, Kansas, as the same presently exists, and all other provisions of said code or of any ordinances conflicting herewith, be and the same are hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after March 1, 1977 and after its publication in the Anderson Countian, the official City newspaper.

Edward J Toomey
Mayor

Attest:

City Clerk

Culver

ORDINANCE NO. 2393

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 Northeast Corner of the Southwest Quarter (SW/4) of Section Twenty-five (25), Township Twenty (20) South, Range Nineteen (19) East, Anderson County, Kansas, thence South 185 feet, thence West 100 feet, thence North 185 feet, thence East 100 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, 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 publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED This 9th day of March, 1977.

Edward J. Toomey
Mayor

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2395

AN ORDINANCE RENAMING A PART OF MONROE AVENUE WITHIN THE CITY OF GARNETT, ANDERSON COUNTY, KANSAS; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

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

SECTION 1: So much of what is presently known and designated as Monroe Avenue and as lies within the Parkview Addition west of its intersection with Pine Street in said Addition, City of Garnett, shall, from and after the effective date hereof, be renamed "Parkside Place".

SECTION 2: Any extension of said street or highway above-designated as "Parkside Place" in a westerly direction shall also be known as "Parkside Place".

SECTION 3: All ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

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

PASSED and APPROVED This 13th day of April, 1977.

Dale Fybarger
Mayor Pro-Tem

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2396

AN ORDINANCE RESTRICTING VEHICULAR PARKING ON MAPLE STREET WITHIN THE CITY OF GARNETT, KANSAS; REPEALING CONFLICTING ORDINANCES AND OTHER ENACTMENTS.

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 motor vehicle on either side of the highway or street commonly known as "Maple Street" between said street's intersection with Park Road to the north and Eighth Avenue to the south, within the City of Garnett, Kansas.

SECTION 2: Ordinance No. 2114, as presently codified in Title 10, Chapter 2, Section 1 (L), and all other ordinances or enactments in conflict herewith be and the same are hereby repealed.

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

PASSED and APPROVED This 13th day of April, 1977.

Pale Lybarger
Mayor
Pro-Tem

ATTEST:

R. G. Doran
City Clerk

ORDINANCE NO. 2399

AN ORDINANCE RESTRICTING VEHICULAR PARKING ON WARREN STREET WITHIN THE CITY OF GARNETT, KANSAS.

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

SECTION 1: NO PARKING: It shall be unlawful, between the hours of 8:00 a.m. and 4:30 p.m. inclusive, on Mondays through Friday inclusive, to park or stand any motor vehicle on either side of the street known as "Warren Street" between said street's intersection with North Walnut Street to the east and North Elm Street to the west within the City of Garnett, Kansas, the same being the entire length of said Warren Street as the same presently exists within said City.

SECTION 2: 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 27th day of April, 1977.

Edward J. Toomey
Mayor

ATTEST:

R. G. Doran
City Clerk

ORDINANCE NO. 2400

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR CERTAIN 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, water main extension, and sanitary sewer extension, and such petition being signed by all of the resident owners of record of property liable for assessment under the proposal; and

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

WHEREAS, This Commission may proceed, without notice, to make these findings and, pursuant to law, order such improvements without further notice and without receiving protest, or affording opportunity for such procedure having by petitioners been requested to be observed.

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 certain improvements as specified therein, generally in a part of the area known as Parklane Addition (Revised) to 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:

I. STREETS:
Laying out and paving of an area approximately 28 feet in width and 442 feet in length as and for an extension of Orange Street as shown upon the Plat of Parklane Addition Revised, said paving to be of bituminous asphaltic double-seal over a six inch (6") compacted rock base, including curbs and guttering; maximum estimated project cost $11,400.00

II. WATER MAIN:
Extension and installation of 300 feet of six inch (6") water mains to serve benefit area; the estimated project cost..... 975.00

III. SANITARY SEWER:
Extension and installation of sanitary sewer mains, eight inches (8") in diameter and of design, style, and type to be approved by Kansas Department of Health and Environment, approximately 600 feet in length to serve benefit area; estimated project cost..... 4,008.00

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

> Lots One (1), Two (2), Three (3), and Four (4) inclusive of Block Eight (8); and Lots Five (5), Six (6), Seven (7),and Eight (8) inclusive of Block Five (5), Parklane Addition (Revised) to 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 against each of the eight (8) lots of record comprising such improvement district.

SECTION 5. It is hereby ordered that the appropriate departments of the City of Garnett proceed as soon as possible to make the improvements in the said improvement district, as petitioned by said record owners and found by this Ordinance to be desirable, advisable, and necessary, and upon the 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 Anderson Countian, the official City newspaper.

PASSED and APPROVED this 27th day of April, 1977.

Edward J. Toomey

/s/ Edward J. Toomey, Mayor

ATTEST:

R. G. Doran
City Clerk

Cole

ORDINANCE NO. 2402

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 250 feet west of the Southeast Corner of the Southeast Quarter (SE/4), Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East, Anderson County, Kansas, thence West 100 feet, thence North 200 feet, thence East 100 feet, thence South 200 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 such land is adjacent to an existing boundary of said City and that the owners thereof have petitioned for and consented to the annexation of the same by the City of Garnett, Kansas, it is hereby annexed and made a part of the City of Garnett, Kansas.

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

PASSED and APPROVED, This 8th day of June, 1977.

Edward J. Toomey
Mayor

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2404

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DEAN AND NICHOLS
ATTORNEYS AND COUNSELORS
ATT SUITE 181, 2 TOWNSITE PLAZA
TOPEKA, KANSAS
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ORDINANCE NO. 2404

AN ORDINANCE AUTHORIZING THE CITY OF GARNETT, KANSAS TO ACQUIRE REAL PROPERTY HEREINAFTER DESCRIBED AND TO CONSTRUCT AND PURCHASE BUILDINGS, IMPROVEMENTS, MACHINERY AND EQUIPMENT TO BE LEASED TO REGAL ALUMINUM, INC., AUTHORIZING AND DIRECTING THE ISSUANCE OF $290,000.00 PRINCIPAL AMOUNT OF INDUSTRIAL REVENUE BOND SERIES 1977-1, UNDER THE AUTHORITY OF K.S.A. 12-1740 TO 12-1749 AND ALL AMENDMENTS THERETO, OF SAID CITY FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING REAL PROPERTY, HEREINAFTER DESCRIBED AND TO CONSTRUCT AND FURNISH BUILDINGS, IMPROVEMENTS, MACHINERY AND EQUIPMENT TO BE LEASED TO REGAL ALUMINUM, INC., AND PRESCRIBING THE FORM AND AUTHORIZING THE EXECUTION OF A LEASE BY AND BETWEEN SAID CITY AND SAID COMPANY.

WHEREAS, the City of Garnett, Anderson County, Kansas, has full authority under K.S.A. 12-1740 to 12-1749 as amended, inclusive, to issue bonds for the purpose of promoting, stimulating and developing the general welfare and prosperity of the State of Kansas through the promotion and advancement of industrial, commercial and economic welfare and prosperity of the State of Kansas, and

WHEREAS, the Governing Body of the City of Garnett, Anderson County, Kansas, deems it advisable and in the best interests of the State of Kansas to encourage industrial development of the City of Garnett, Kansas, and to issue industrial revenue bonds to acquire real property and to construct and purchase buildings, improvements, machinery and equipment to be leased to Regal Aluminum, Inc., a Missouri corporation, sometimes hereinafter referred to as "Company" and

WHEREAS, the City will acquire prior to or concurrently with the issuance of the bonds herein authorized the real property described hereinafter:

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

Section 1. AUTHORITY. The City of Garnett, Kansas, is hereby authorized to acquire real property described and set forth in Schedule 1, attached hereto and made a part hereof and to construct and purchase buildings, improvements, machinery and equipment described in said Schedule 1, said real estate, buildings, improvements, machinery and equipment being sometimes hereinafter

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referred to as the "Facility", in accordance with provisions of the lease, dated as of June 1, 1977, between said City and said Regal Aluminum, Inc., hereinafter sometimes referred to as the "Lease", said lease being authorized by the provisions of this ordinance (said real property being referred to in the lease as the "Land" and said Land, building, improvements, machinery and equipment also being referred to in the lease as the "Facility") all in amount which will not exceed the cost of $290,000.00 to said City.

Section 2. AUTHORIZATION OF AND SECURITY FOR THE BONDS. For the purpose of providing funds to pay the cost of acquiring the real property described in Schedule 1 and to construct and purchase buildings, improvements and machinery and equipment to be leased to Regal Aluminum, Inc., a Missouri Corporation, there shall be and hereby are authorized and directed to be issued Industrial Revenue Bonds, Series 1977-1 of the City of Garnett, Anderson County, Kansas, in the total principal sum of $290,000.00. Said Bonds herein authorized, hereinafter sometimes referred to as the "Bonds", and all interest thereon shall be paid solely from the money and revenue received from the fees charged and rental received for the use of the Facility and not from any other fund or source. The City hereby pledges the Facility and the net earnings therefrom to the payment of the Bonds and interest thereon.

Section 3. DESCRIPTION OF BONDS. The said Industrial Revenue Bonds, Series 1977-1 of the City of Garnett, Anderson County, Kansas, shall consist of 290 Bonds, numbered 1 through 290, both inclusive, all of said Bonds being in the denomination of $1,000.00. All of said Bonds shall be dated June 1, 1977, and said Bonds shall become due serially on June 1 of each year, and shall bear interest from date as follows, to wit:

No. of Bonds	Maturity	Interest	Amount
1-29	6/1/78	7 1/4%	$29,000.00
30-58	6/1/79	7 1/4%	29,000.00
59-87	6/1/80	7 1/4%	29,000.00
88-116	6/1/81	7 1/4%	29,000.00

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No. of Bonds	Maturity	Interest	Amount
117-145	6/1/82	7 1/4%	$29,000.00
*146-174	6/1/83	7 1/4%	29,000.00
*175-203	6/1/84	7 1/4%	29,000.00
*204-232	6/1/85	7 1/4%	29,000.00
*233-261	6/1/86	7 1/4%	29,000.00
*262-290	6/1/87	7 1/4%	29,000.00

*Callable

The interest on said Bonds shall be payable December 1, 1977 and semi-annually on the first days of June and December thereafter until said principal sum shall have been paid.

Said Bonds and the interest coupons to be attached thereto shall be payable in lawful money of the United States of America at Garnett State Savings Bank, Garnett, Kansas, hereby designated as the city's paying agent for the payment of the principal of and interest on the Bonds and herein sometimes referred to as the "Paying Agent".

Section 4. REDEMPTION OF BONDS PRIOR TO MATURITY. a) The said Bonds shall be subject to redemption and payment prior to the stated maturity thereof after notice as herein provided as follows. The City of Garnett, Anderson County, Kansas, reserves the right and option to call and redeem, upon instructions from the Company, Bonds numbered 146 through 290, both inclusive, maturing June 1, 1983 to June 1, 1987, both inclusive, in their inverse numerical order on June 1, 1982, or on any interest paying date thereafter at the principal amount thereof together with accrued interest thereon to date of redemption together with a premium which shall be 5% of the principal amount of any Bond redeemed on June 1, 1982, and which premium shall thereafter be reduced by one-half (1/2) of one percent of the principal amount of Bonds so redeemed for each full year between June 1, 1982 and the date fixed for redemption and payment.

b. Each of said Bonds shall be subject to redemption and payment at the option of the City, upon instruction from the Company, on any interest payment date, upon any of the following conditions or events provided all the Bonds are redeemed and paid according to their terms; 1) If Title II, or the use for a limited

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TOPEKA, KANSAS
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913 - 233-4181

period of, substantially all the Facility subject to the Lease be condemned by any authority having power of eminent domain; 2) If substantially the Facility be damaged or destroyed by fire or other casualty; 3) If, as a result of changes in the Constitution of the State of Kansas, or if legislative or administrative action by the State of Kansas or any political subdivision thereof, or by the United States, or by reason of any action instituted in any court, the lease herein authorized shall become void, or unenforceable, or impossible or performance without unreasonable delay, or in any other way, by reason of such change of circumstances, unreasonable burdens or excessive liabilities are imposed upon the Company or the City. The redemption price for Bonds redeemed pursuant to this paragraph shall be the principal amount of Bonds so redeemed plus accrued interest thereon to date fixed for redemption of and payment together with a premium of 4% of the principal amount of Bonds so called for redemption and payment.

Section 5. NOTICE OF REDEMPTION. Notice of any redemption provided for by this ordinance shall be given in the name of the City, by the City, the Company or the Fiscal Agent by United States registered mail to the paying agent herein designated and to the original purchaser purchasing Bonds, such notice to be mailed at least 30 days prior to the date fixed for redemption and payment and to specify the numbers of the Bonds to be redeemed and paid. Notice of any such redemption shall also be published once not less than 30 days prior to the date set for redemption in some financial journal published and of general circulation in New York, New York. Notice of the said call and redemption shall also be published in the official city paper and the official state paper for the State of Kansas. Interest shall cease on any of said Bonds so called for redemption and payment as of the redemption date, provided funds are available to pay the same according to their terms. Notice of any redemption as herein provided shall be given upon, but only upon, written instructions from the Company, as long as the Company is not in default in the payment of the basic rent due under the lease.

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Section 6. METHOD OF EXECUTION OF BONDS. Said Bonds and the coupons thereon shall be signed with the facsimile signatures of the Mayor and of the City Clerk and such facsimile signatures are hereby confirmed to ratify the signatures of said officers. Said Bonds shall be registered in the office of the City Clerk, which registration shall be evidenced by a certificate on the reverse face thereof bearing the manual signature of the City Clerk. A copy of said registration shall be provided to the paying agent.

Section 7. FORM OF BOND. Each of said Bonds and interest coupons and the certificate attached thereto shall be in substantially the following form:

Number $1,000.00

UNITED STATES OF AMERICA
STATE OF KANSAS

COUNTY OF ANDERSON
CITY OF GARNETT

INDUSTRIAL REVENUE BOND
Series 1977-1

KNOW ALL MEN BY THESE PRESENTS:

That the City of Garnett, in the County of Anderson, State of Kansas, for value received, hereby promises to pay, out of the revenues hereinafter specified, to the bearer, the sum of $1,000.00

in lawful money of the United States of America on the 1st day of June, 19 , and to pay interest thereon from the date hereof at the rate of percentum per annum, payable semi-annually on December 1 and June 1 in each year after the date hereof until the said principal sum shall have been paid upon presentation and surrender of the interest coupons hereto attached, bearing the facsimile signatures of the Mayor and the City Clerk of said City as said coupons severally become due, both principal of and interest on this Bond being payable at Garnett State Savings Bank, Garnett, Kansas.

The City of Garnett, Anderson County, Kansas, reserves the right and option to call and redeem all Bonds numbered 146 through 290, both inclusive, maturing June 1, 1983 to June 1, 1987, both

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inclusive, in their inverse numberical order June 1, 1982, or on any interest paying date thereafter at the principal amount thereof together with accrued interest thereon to date of redemption together with a premium which shall be 5% of the principal amount of any Bond redeemed on June 1, 1982, and which premium shall be thereafter reduced by one-half (1/2) of one percent of the principal amount of Bonds so redeemed for each full year between June 1, 1982 and the date fixed for redemption and payment.

Each of the Bonds of the series of which this Bond is one is subject to redemption and payment prior to maturity on any interest payment date at the option of the City upon the following conditions or events, provided all of said Bonds are redeemed and paid according to their terms;

(1) If prior to, or the use for a limited period of, substantially all the facility be condemned by any authority having power of eminent domain;

(2) If substantially all of the facility is damaged or destroyed by fire or other casualty; or

(3) If as a result of changes in the Constitution of the State of Kansas or of legislative or administrative action by the State of Kansas or any political subdivision thereof, or by the United States, or by reason of any action instituted in any court, the Lease shall become void or unenforceable or impossible of performance without unreasonable delay, or in any other way by reason of such change of circumstances, unreasonable burdens or excessive liabilities are imposed on the Company or the City. The redemption price for Bonds redeemed pursuant to this paragraph shall be the principal amount of Bonds so redeemed, plus accrued interest thereon to and including the date fixed for redemption and payment, together with a premium of five percent (5%) of the principal amount of Bonds so called for redemption and payment.

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This Bond is one of a series of 290 Bonds (290) of line date, tenor, denomination excepting interest, maturity and privilege of redemption, aggregating the principal sum of $290,000.00 authorized by ordinance of said City for the purpose of providing funds to pay the cost of acquiring real property, and constructing and purchasing buildings, improvements, machinery and equipment (hereinafter sometimes referred to as the "Facility"), said Facility being further identified in the ordinance to be leased to Regal Aluminum, Inc., a Missouri corporation, pursuant to a Lease dated June 1, 1977, by and between the City and said Company.

And it is hereby certified and recited that this Bond is authorized under the authority of K.S.A. 12-1740 to 12-1749, both inclusive, and amendments thereto and is issued pursuant thereto and is issued in full conformity with the provisions, restrictions and limitations of the Constitution and the laws of the State of Kansas, and this Bond and all other Bonds of said series and all interest thereon, are to be paid by said City of Garnett, Anderson County, Kansas, solely and only from the money and revenue received from the fees charged and rental received for the use of the Facility under said Lease and not from any other fund or source. Pursuant to provisions of said statute, the Governing Body of the City has pledged the Facility and the net earnings therefrom to the payment of the series of Bonds of which this Bond is a part and interest thereon. Reference is hereby made to the Ordinance and to the lease for a description of the Facility and the covenant of the City and of the Company with respect to the payment, collection, segregation and application of the money and revenue received from the fees charged and rental received for the use of said Facility, the rights, duties and obligations of the City and the Company with respect thereto and, otherwise, and the rights of the holders of this Bond.

NOTICE OF REDEMPTION. Notice of the City's intention to redeem and pay said Bonds pursuant to any redemption provisions aforesaid, specifying the numbers of the Bonds to be redeemed and paid shall be given by United States registered mail to the Paying

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Agent named herein not less than 30 days prior to the date fixed for redemption and payment. Notice of any such redemption shall also be published not less than 30 days prior to the date fixed for redemption in some financial journal published and of general circulation in New York, New York. Notice of the said call and redemption shall also be published in the official city paper and the official state paper for the State of Kansas. Interest shall cease on any of said Bonds so called for redemption and payment as of the redemption date, provided funds are available to pay the same according to their terms. Notice of any redemption as herein provided shall be given upon, but only upon, written instructions from the Company, as long as the Company is not in default in the payment of the basic rent due under the lease.

Now this Bond and all other Bonds of this issue shall, in the hands of a bona fide holder or holders have all the qualities of negotiable instruments under the Uniform Commercial Code of the State of Kansas.

And 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 the laws of the State of Kansas. This Bond is negotiable.

IN WITNESS WHEREOF the City of Garnett, in the County of Anderson, in the State of Kansas, by its governing body, has caused this Bond to be signed by the facsimile signatures of its Mayor and the City Clerk and the seal of the City to be hereunto affixed and the coupons hereunto attached to be signed with the facsimile signature of said officers and this Bond to be dated this first day of June, 1977.

_____
Mayor

ATTEST:

_____
City Clerk

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(FORM OF COUPON)

COUPON NO._____

All Coupons for 6 Months due December 1 and June 1	
On the first day of December / June, 19 , unless the Bond to which this coupon is attached be called for redemption and payment duly made or provided, the City of Garnett, Kansas, will pay bearer, solely from the money and revenue received from the fees charged and rental received for the use of the Facility described in the Bond to which this coupon is attached, and not from any other fund or source, the amount shown hereon, in lawful money of the United States of America, at Garnett State Savings Bank, Garnett, Kansas, being interest due on its Industrial Revenue Bond, Series 1977-1, dated June 1, 1977, No. _____.	December 1 and June 1 City of Garnett Kansas Industrial Revenue Bond Series 1977-1, dated June 1, 1977.

_____
Mayor

ATTEST:

_____
City Clerk

STATE OF KANSAS)
)ss:
COUNTY OF ANDERSON)

I, the undersigned, City Clerk of the City of Garnett, Anderson County, Kansas, do hereby certify that the within Industrial Revenue Bond, Series 1977-1 and the coupons attached of the City of Garnett, Anderson County, Kansas, have been duly registered in my office according to law, and the signatures

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thereto are genuine.

WITNESS my hand and official seal this _____ day of _____, 1977.

City Clerk
City of Garnett, Anderson County, Kansas

Section 8. EXECUTION AND DELIVERY OF BONDS. The Mayor and the City Clerk are hereby authorized and directed to prepare and execute, in the manner herein before specified, the Bonds herein authorized, and to deliver said Bonds to said purchaser thereof, on payment of the purchase price, in accordance with the contract covering the purchase and sale of said Bonds, which contract the Mayor and the City Clerk of said City are hereby authorized and directed to execute for and on behalf of said City. The proceeds of said Bonds shall be deposited in Garnett State Savings Bank, Garnett, Kansas, hereby designated as the City's Fiscal Agent and herein referred to as the "Fiscal Agent", the rights and duties of said Fiscal Agent being further specified in this ordinance.

Section 9. CONSTRUCTION FUND. There is hereby authorized and ordered to be established in the hands of the Fiscal Agent a separate fund or account designated as "City of Garnett, Kansas, Regal Aluminum, Inc., Construction Fund", hereinafter referred to as the "Construction Fund". The Fiscal Agent shall, first, promptly pay from the proceeds of the sale of said Bonds into the Principal and Interest Account for Industrial Revenue Bonds, Series 1977-1, dated June 1, 1977, hereinafter created, the amount of accrued interest and premium, if any received from such sale. The balance of the proceeds of the sale of the Bonds shall be deposited in the Construction Fund. Such Construction Fund shall be used for the purpose of providing funds to pay the cost of acquiring real property, and to construct buildings, improvements, machinery and equipment to be leased to Regal Aluminum, Inc., as provided in said Lease. Any monies not required for said purpose shall, when the Facility is complete, be

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deposited by the Fiscal Agent in the Principal and Interest Account.

Section 10. PRINCIPAL AND INTEREST ACCOUNT. There is hereby authorized and ordered to be established in the hands of the Fiscal Agent a separate account, to be known as the "City of Garnett, Kansas, Principal and Interest Account for Industrial Revenue Bonds, Series 1977-1, dated June 1, 1977", hereinafter referred to as "Principal and Interest Account". The City covenants and agrees that from and after the delivery of any of the Revenue Bonds herein authorized and continuing so long as any of said Bonds shall remain outstanding, said City will maintain that account with the Fiscal Agent. All payments of Basic Rent and Additional Rent due under said Lease between the City and the Company intended to pay the principal of and interest on the Bonds shall be applied and allocated by the Fiscal Agent to said Principal and Interest Account. All amounts credited to and deposited in said Principal and Interest Account shall be used by the Fiscal Agent and forwarded to the Paying Agent for the sole purpose of paying the principal of and interest on the Revenue Bonds herein authorized as and when the same become due or are called for redemption and payment. Any balance remaining in said Principal and Interest Account, including the interest earned on deposits made into said account as pre-payments of rent due under said lease, shall, when said Bonds have been paid or payment provided for, be paid to Regal Aluminum, Inc.

Section 11. COVENANT TO REDEEM BONDS. When monies accumulated in the said Principal and Interest Account shall aggregate an amount sufficient to pay the principal of all of the Bonds then outstanding, and all interest accrued to date fixed for redemption and payment, and redemption premium, if any, and when said Bonds become subject to redemption, said City shall, upon receipt of instructions from the Company, proceed to give notice of such redemption in the manner herein specified, and said Fiscal Agent shall use said funds for said purpose.

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Section 12. INVESTMENTS. Monies in the Construction Fund shall, upon instructions from the Company, be invested by the Fiscal Agent in direct obligations of the United States Government or agencies thereof, becoming due within 12 months from the date of purchase. Monies allocated and credited to and deposited in the Principal and Interest Account in any amount in excess of the amount necessary to pay the amount of principal and interest next becoming due shall be invested by the Fiscal Agent, upon instructions from the Company, in direct obligation to the United States Government or agencies thereof, becoming due not later than 4 years from date of investment. No investment shall be made pursuant to this Section for a period longer than the time the Fiscal Agent shall determine that such funds are not required for the purpose for which they are intended. All interest on investments held in the Construction Fund shall be deposited in the Principal and Interest Account. Interest on investments in any of the other funds or accounts shall accrue to and become a part of such fund or account so invested.

Section 13. COVENANTS OF THE CITY. So long as any of the Principal of and interest on the Bonds herein authorized remain outstanding and unpaid, or until provisions are made for the payment thereof, the City covenants with each of the holders and owners of said Bonds as follows:

(A) The City will use the proceeds of the series of Bonds herein authorized as soon as practicable and with all reasonable dispatch for the purpose for which the Bonds are being issued as hereinbefore set forth. Said proceeds will not be invested in any securities or obligations except for the temporary period pending such use and said proceeds will not be used directly or indirectly so as to cause all or any part of the Bonds herein authorized to become "Arbitrage Bonds" within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended. The City further covenants that the proceeds of the series

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of Bonds herein authorized will not be used to acquire securities or obligations that will produce a higher yield than the yield of the Bonds herein authorized unless a statute, regulation of the Treasury Department of the United States, ruling by the Internal Revenue Service of the United States, or a decision by a court of ultimate jurisdiction holds that an acquisition of securities or obligations producing a higher yield than said Bonds will not cause said Bonds to be Arbitrage Bonds as defined in said sub-section (c).

(B) The City will fully comply with all terms, provisions, and conditions of the Lease which require performance by or impose duties on, the City and that it will not permit any default to occur on the part of the City; that it will fully and promptly enforce all the terms, provisions and conditions of the Lease which require performance by, or impose duties on, the Company and in the event of the occurence of a default, as defined in the Lease, will exercise all rights and remedies conferred by the Lease, will use its best efforts to procure a new tenant or tenants for the Lease property under the lease provisions which will provide funds sufficient in amount to make the rental payments and other charges which the Company is required to make under the Lease. If the City is unable to procure a new tenant who will enter into such a lease, the City may, with the consent of the holders of not less than sixty-six and two-thirds percent (66 2/3%) of the Bonds herein authorized at the time outstanding, sell the Facility leased at a price not less than the amount of the ten outstanding Bonds plus interest then unpaid.

(C) The City will enforce collection of the rental and other charges in the amounts and at the times set forth in the Lease authorized hereby and will not reduce or cause or permit to be reduced rental payments or other charges fixed, established and required by the Lease, nor change

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or alter the time or times when the same are due and payable under the Lease. The City's obligation to pay the expenses of such enforcement shall be limited to funds made available to it for that purpose by the holders of the Bonds or other interested parties.

(D) Until payment of all the Bonds and interest thereon has been duly made or provided for, the City will not consent to any change, amendment or modification or termination of said Lease, except as provided therein, which will in any manner affect adversely the rights, remedies or interest of the bondholder nor will it consent to any merger, consolidation, dissolution or liquidation by the Company except to the extent provided in the Lease.

(E) Any purchase price of the lease property, any proceeds of condemnation awards or insurance proceeds, any of which are received by the City pursuant to termination of the Lease, or any other funds intended for the purpose of paying Bonds will be used solely and exclusively to pay the Bonds herein authorized and the interest thereon according to their terms or to redeem and pay any of the Bonds then outstanding and unpaid then subject to redemption and payment. Upon receipt of any such funds, and as soon as the Bonds are subject to redemption and payment, the City shall proceed promptly to call the Bonds for redemption and payment according to their terms and shall give notice, or cause notice to be given thereof, as provided for by the terms of this ordinance. Such funds shall be deposited with the Fiscal Agent and the same shall be used solely for the payment of the Bonds herein authorized, accrued interest thereon, any premium provided for by this Ordinance and the charges of the Paying Agent and the Fiscal Agent for paying the same.

(F) The City will not issue any other obligations payable by payments from the Company pursuant to the Lease nor voluntarily create or cause to be created any debt,

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lien, pledge, assignment, encumbrance, or any other charge upon said payments or on the property subject to said Lease nor will it, unless required by law or by the terms of the Lease, sell or otherwise dispose of the Facility or any part thereof provided, however, that the City may issue, from time to time, additional industrial revenue bonds for the purpose of completing the construction or acquisition thereof on the Land, herein referred to, provided the following terms and conditions are met:

(i) The City shall have entered into a lease or agreement with the Company with rentals or payments at least sufficient to pay the principal of and interest on said Bonds as they become due.

(ii) The Company is not in default in the payment of rent due under the Lease.

(iii) The issuance of said additional Bonds shall not affect the exemption from Federal Income Taxation of the interest on the Bonds herein authorized.

In the event of the issuance of any such additional bonds, the City may pledge the Facility and earnings therefrom to the payment of such additional bonds and the interes thereon provided the City also pledges the additional construction, fixtures and equipment and the net earnings therefrom, constructed or purchased out of the proceeds of such additional bonds to the payment of the Bonds herein authorized and the interest thereon.

(G) The City will cause the Company to keep constantly insured all buildings, improvements from time to time constituting a part of the property and premises leased to the Company in a manner provided for by the Lease herein authorized. The City's share of the proceeds of any such insurance policies shall be payable to and deposited with the Fiscal Agent as Insurance Trustee. Any of the proceeds of such policies shall be used and applied in the manner set forth in said Lease.

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(H) The City will cause the Fiscal Agent to maintain adequate records and accounts relating to the Facility, separate and apart from all other records of the City or the Fiscal Agent, and such records and accounts should be maintained in accordance with generally accepted principles of accounting and shall include complete details of all financial transactions relating to the Bonds authorized herein and the leased facilities. Such records and accounts shall be specifically designed and maintained to show whether or not the provisions of the Ordinance and the Lease referred to herein are being complied with. Such books and records shall be available for inspection by the agents of the Company or any of the holders of the Bonds authorized herein during regular business hours of the City or the Fiscal Agent.

Section 14. AMENDMENTS. The provisions of the Bonds authorized by this Ordinance and the provisions of this Ordinance may be modified or amended at any time by the City with the written consent of the holders of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Bonds herein authorized at the time outstanding, provided that no such modification or amendment shall permit or be construed as permiting: (a) The modification of any duties or responsibilitie of the Fiscal Agent unless it consents thereto; (b) the extension of the maturity of the principal of any of the Bonds issued hereunder or the extension of the maturity of the interest on any Bonds issued hereunder; (c) a reduction in the principal amount of any Bonds or the rate of interest thereon, or (d) a reduction in the aggregate principal amount of Bonds, the consent of the holders of which is required for any such amendment or modification. Any provision of the Bonds of this Ordinance may, however, be modified or amended in any respect with the written consent of all of the Bonds then outstanding. Amendments to this Ordinance which correct ommissions or ambiguities or which add to the

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security of the bondholders may be made by the City when agreed to by the Company. Every amendment or modification of a provision of the Bonds or of this Ordinance to which the written consent of the bondholders is given as above provided shall be expressed in an ordinance of the City amending or supplementing the provisions of this Ordinance and shall be deemed to be a part of this Ordinance. It shall not be necessary to note on any of the outstanding Bonds any reference to such amendment or modification, if any. Upon payment of the reasonable costs of preparing the same, a certified copy of every such amendatory or supplemental ordinance, if any, and a certified copy of this Ordinance shall be sent by the City Clerk to any bondholder or prospective bondholder requesting the same.

The Lease herein authorized may be amended by the City and the Company as provided therein, except as to rent and certain matters which may be made only with the consent of the specified percentage of the bondholders of the then outstanding Bonds.

Section 15. ENFORCEMENT. The provisions of this Ordinance shall constitute a contract between the City and the holders of the Bonds herein authorized, and the holder of any one or more of said Bonds may sue to recover interest or principal which has not been paid according to the terms of said Bond. The holders of twenty-five percent (25%) of the principal of Bonds then outstanding may sue in any action in mandamus, injunction or other proceedings, either in law or in equity, to enforce or compel performance of all duties and obligations required by this Ordinance to be done or performed by said City or by said Company. Nothing contained in this Ordinance shall, however, be construed to impose on said City any duty or obligation to levy any taxes either to meet any obligations contained herein or to pay the principal of or interest of the Bonds of the City herein authorized.

Section 16. DECLARATION OF MATURITY OF BONDS IN THE EVENT OF DEFAULT. In the event the principal or interest on the Bonds herein authorized is not paid according to the terms thereof either on maturity or upon call for redemption, then the holders of

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twenty-five percent (25%) of the principal amount of the Bonds then outstanding may by written notice given to the Mayor or City Clerk, declare the principal of all the Bonds herein authorized then outstanding to be due and payable immediately, and upon such declaration given as aforesaid, all of said Bonds shall be due and payable immediately, anything in the Bonds or in the Ordinance contained to the contrary notwithstanding. This provision, however, is subject to the condition that if at any time thereafter, all arrears of interest accrued but not yet due, and all arrears of principal shall have been paid in full, then in every such case, the holders of a majority in principal amount of the Bonds then outstanding, by written notice to the Mayor or City Clerk, 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 17. DEFEASANCE. When all of the Bonds of the City herein authorized and all coupons representing interest thereon shall have been paid and discharged, then the requirements contained herein and the pledge of revenues made hereunder and all other rights granted hereby shall cease and determine. Bonds and coupons shall be deemed to have been paid and discharged within the meaning of this Ordinance and within the meaning of the Lease authorized by this Ordinance when there shall have been deposited with the Fiscal Agent at or prior to the maturity or redemption date of said Bonds and coupons, in trust for and irrevocably appropriated thereto, sufficient monies for the payment of the principal thereof 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 payment; 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 monies which at any time shall be deposited with the said Fiscal Agent by or on behalf of the City, for the purpose of paying and discharging any of the Bonds or coupons,

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shall be and are hereby, assigned, transferred and set over to such Fiscal Agent in trust for respective holders of the Bonds and coupons, and such monies shall be and are hereby irrevocably appropriated to the payment and discharge thereof. If, through lapse of time or otherwise, the holders of said Bonds or coupons shall no longer be entitled to enforce payment of their obligations then, in such event, it shall be the duty of said bank forthwith to return said funds to the City. All monies deposited with such Fiscal Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

Section 18. LIST OF BONDHOLDERS. To the extent that such information shall be made known to the City under the terms of this Section 18, it will keep on file in the principal office of the Fiscal Agent a list of names and addresses of the last known holders of all Bonds payable to bearer and believed to be held by each of such last known holders. Any bondholder may request that his name and address be placed on said list by filing a written request with the City or with the Fiscal Agent, which request shall include a statement of the principal amount held by such holder and the numbers of such Bonds. The Fiscal Agent shall be under no responsibility with regard to the accuracy of said list. At reasonable times and under reasonable regulations, established by the Fiscal Agent, said list may be inspected and copied by the Company or by the holders and/or owners of twenty-five percent (25%) or more of the principal amount of Bonds then outstanding, such ownership and the authority of any such designated representative to be evidenced to the satisfaction of the Fiscal Agent.

Section 19. PROVISIONS RELATING TO THE FISCAL AGENT.

(A) Prior to the receipt of the Bond proceeds pursuant to the provisions of this Ordinance, the Fiscal Agent shall file with the City Clerk its written acceptance of the duties specified in this Ordinance and in the Lease and its agreement to act in said capacity.

(B) The Fiscal Agent's duties and responsibilities shall be limited to those expressly set forth in this Ordinance and under the Lease.

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(C) All resolutions, opinions, certificates and other instruments referred or provided for herein or in the Lease may be accepted by the Fiscal Agent as conclusive evidence of the fact, opinions and conclusions stated therein and shall be full warrant, protection and authority to the Fiscal Agent for any action reasonably taken pursuant thereto. The Fiscal Agent shall be under a duty to examine any such resolutions, opinions, certificates and other instruments to determine whether or not they conform to the requirements of this Ordinance and the Lease.

(D) The Fiscal Agent shall not be liable with respect to any action taken or omitted to be taken by it in good faith and, if appropriate, upon advice of counsel who may be counsel for the Fiscal Agent or the City or the Company.

(E) No provisions contained in this Section shall be construed to relieve the Fiscal Agent from liability for its own negligent action, its own negligent failure to act, or its own willful misconduct, except that this subsection shall not be construed to limit the effect of Subsections (B), (C) and (D) of this Section and the Fiscal Agent shall not be liable for any error of judgment made in good faith unless it shall be proved that the Fiscal Agent was negligent in ascertaining the pertinent facts.

(F) The Fiscal Agent may resign by an instrument in writing delivered to the City and the Company to take effect not sooner than ninety (90) days after its delivery, whereupon the City, with the consent of the Company, shall immediately, in writing, designate a successor fiscal agent. Such successor fiscal agent shall be a bank, trust company or national banking association which is a member of the Federal Reserve System and has a capital stock and surplus aggregating at least that of the Fiscal Agent at the time of its designation hereunder. Such successor fiscal agent shall be subject to the same duties and obligations and

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shall have the same rights, privileges and immunities specified in this Ordinance and in the Lease for the Fiscal Agent. Any successor fiscal agent shall file an acceptance in the form referred to in subparagraph (A) hereof with the City Clerk within 10 days of its appointment.

(G) The Fiscal Agent shall be entitled to payment or reimbursement for reasonable fees for its ordinary services and all advances, counsel fees and other ordinary expenses reasonably and necessarily made or incurred by it in connection with its ordinary services, all such fees and expenses to be paid by the Company as Additional Rent as specified in the Lease.

Section 20. AUTHORIZATION OF LEASE. The tract of land herein referred to and the buildings and improvements to be acquired and constructed thereon pursuant to this Ordinance shall be leased to Regal Aluminum, Inc., under and pursuant to a Lease dated June 1, 1977, substantially in the form attached to this Ordinance and marked Exhibit A, which Lease the Mayor and the City Clerk are hereby authorized and directed to execute for and on behalf of and as the act and deed of the City.

Section 21. SEVERABILITY. If any one or more of the covenants, agreements or provisions of this Ordinance, or of the Lease, should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or should for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separate from the remaining covenants, agreements or provisions, and shall in no way affect the validity of the other provisions of this Ordinance or of the Bonds issued hereunder, or of the Lease.

Section 22. CONVEYANCE OF FACILITY. Upon receipt by the City of the purchase price of the property subject to said Lease, title of said property shall be transferred and conveyed to the Company as provided in the Lease and the Mayor and other appropriate officers of the City are hereby authorized and directed to

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The Environmental Defense Fund box or can. It tells you not only the

execute such deeds, bills of sale and other instruments as may be necessary to effect such conveyance and transfer.

Section 23. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage and publication in the official City Paper.

PASSED AND APPROVED by the City of Garnett, Kansas, this 28th day of June, 1977.

Edward J. Toomey
Mayor

ATTEST:

City Clerk

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913 - 233-4151

ORDINANCE NO. 2405

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET EXTENSION AND 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 extensions 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 certain improvements as specified therein, generally in that area known as Hayden's Lakeview Estates Addition (Rev. 1977) to 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, to-wit:

> Laying out and paving of approximately 4,500 lineal feet of streets, 20 feet in width, inclusive of curbing, to-wit: (a) the entirety of Lakeview Drive; (b) the entirety of Lakeridge Road; (c) the entirety of Lakeshore Drive; and (d) the entirety of Lynnewood Lane; all being within Hayden's Lakeview Estates Addition (Rev. 1977) to said city. Said paving shall be of Portland Cement Concrete, 6 inches thick, over a properly compacted crushed rock base, and including curbing of the design and type commonly referred to as "lazyback"; maximum estimated project cost: $ 65,000.00

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

> Lots One (1) through Forty-one (41), inclusive; and Lots Fifty-two (52) through Fifty-six (56), inclusive; all in Hayden's Lakeview Estates Addition (Rev. 1977) to 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 against each of the forty-six (46) lots of record contained within and comprising 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 The Anderson Countian, the official City newspaper.

PASSED and APPROVED This 18th day of July, 1977.

Edward [illegible]
Mayor

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2407

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:

All of Lots C-1, C-2, and C-3 of Hayden's Lakeview Estates Addition (Rev. 1977) to the City of Garnett;

is hereby changed from R-1 (Residential District) to C-3 (Highway 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 publication in The Anderson Countian, the official City newspaper.

PASSED By the Commission this 27th day of July, 1977.

Dale Lybarger
Mayor Pro Tem

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2408

AN ORDINANCE REPEALING ORDINANCE NO. 2390 RELATING TO WATER EMERGENCY PROCEDURES; REPEALING ANY RESOLUTIONS PASSED PURSUANT TO SAID ORDINANCE NO. 2390.

WHEREAS, It is now found that the imminence of a water emergency has passed and there is no current or anticipated water shortage or emergency.

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

SECTION 1: Ordinance No. 2390 relating to the use of water during emergencies and establishing emergency procedures be and the same is hereby repealed.

SECTION 2: Any Resolutions passed under the authority granted in said Ordinance 2390 are 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 10 day of August, 1977.

Edward D. Koomey
Mayor

A T T E S T:

City Clerk

ORDINANCE NO. 2409

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR CERTAIN 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 a certain Petition requesting improvements in the general nature of sanitary sewer main extensions and such Petition, being signed by more than one-half (1/2) of the resident owners of record of property liable for assessment under the proposal; and

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

WHEREAS, This Commission may proceed, without notice, to make these findings and, pursuant to law, order such improvements without further notice and without receiving protest, or affording opportunity for such procedure having by petitioners been requested to be observed.

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 certain improvements as specified therein, generally in a part of the area known as Bryson's Addition and McDonnell's Addition to 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 on 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:

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 1300 feet in length; maximum estimate project cost $ 15,000.00

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

Lots Three (3), Four (4), Five (5), Six (6), and Seven (7) of Block Two (2), Bryson Addition to the City of Garnett, Kansas;

A tract in Block Three (3) of Bryson Addition to the City of Garnett described as follows: Commencing 164 feet North of the Southwest Corner of said Block Three (3), thence North 100 feet, thence East to the East line of said Block, thence Southeasterly along said East line to a point directly East of the point of beginning, thence West to the point of beginning, being a part of Lots One (1) and Two (2), Block Three (3), Bryson Addition to the City of Garnett, Kansas; and

Also a tract described as follows, to-wit: Lot Two (2), Block Three (3), less the South 72 feet thereof of Bryson Addition to the City of Garnett, Kansas;

All of McDonnell Addition to the City of Garnett, Kansas;

all of said real estate being situate 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 against each of the eight (8) lots or tracts comprising such improvement district; specifically equally against each of the five (5) lots of Block Two (2), Bryson Addition; the two (2) tracts being a part of Block Three (3) of Bryson Addition; and all of McDonnell Addition.

SECTION 5: It is hereby ordered that the appropriate departments of the City of Garnett proceed as soon as possible to make the improvements in the said improvement district, as petitioned by said record owners and found by this Ordinance to be desirable, advisable, and necessary, and upon the 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 Anderson Countian, the official City newspaper.

PASSED and APPROVED This 10th day of August, 1977.

Edward J Toomey
Mayor

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2412

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 2A OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS AND ESTABLISHING NEW PERIODIC CHARGES FOR THE MUNICIPAL GAS UTILITY; REPEALING CONFLICTING PROVISIONS.

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 $1.35 per one thousand (1,000) cubic feet sold.

SECTION 2. Title 4, Chapter 4, Section 2A of the Municipal Code of the City of Garnett, Kansas, as the same presently exists, and all other provisions of said code or of any ordinances conflicting herewith, be and the same are hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after September 1, 1977 and after its publication in the Anderson Countian, the official City newspaper.

Edward J. Toomey
Mayor

Attest:

City Clerk

ORDINANCE NO. 2413

AN ORDINANCE GRANTING PERMISSION AND APPROVING THE CHANGE IN FRONTAGE OF BLOCKS FIVE (5), SIX (6), AND SEVEN (7) OF THE ORIGINAL PLAT OF BAILEY'S ORCHARD PARK ADDITION TO GARNETT 1972; AND APPROVING REVISION TO THE PLAT OF THE SAME.

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

SECTION 1: That the Plat of the change re-survey and revision of Blocks Five (5), Six (6), and Seven (7) of the Original Plat of Bailey's Orchard Park Addition to Garnett 1972, said Original Plat now being on file in the Register of Deeds of Anderson County, Kansas, is hereby approved and allowed, as prayed in the Petition of Lola M. Bailey and Joe J. Bailey, owners and proprietors of said blocks.

SECTION 2: That the form of the Plat incorporating such changes as submitted by petitioners is approved and shall henceforth be known as "Bailey's Orchard Park Addition (Revised 1977) to the City of Garnett, Anderson County, Kansas" and the City Clerk is hereby directed to certify to the Register of Deeds of Anderson County, Kansas, the fact of the passage of this Ordinance and such Revised Plat.

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

Edward J. Toomey
Mayor

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2414

AN ORDINANCE VACATING PARTS OF HAYDEN'S LAKEVIEW ESTATES ADDITION TO GARNETT; PROVIDING FOR THE RIGHT OF INTERESTED PERSONS TO PROTEST AND PROVIDING FOR THE RECORDING OF SAID ORDINANCE AS 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 of Lots One (1) through Ten (10), inclusive; Lot Twenty-two (22), Lot Twenty-three (23), Lot Thirty-two (32), and Lot Thirty-three (33);

All of the streets named and designated "Lakeview Drive" and "Lakeshore Drive", the same being all of the public streets or highways shown;

All of the commons areas, the same being shown as unmarked area in and about the several lots and Hayden's Lake, and including said lake and dam and the outfall area below said dam; and,

All utility easements shown, indicated by dashed lines;

upon, over and within the Original Plat of Hayden's Lakeview Estates Addition to Garnett, being all within and a part of the East Half (E/2) of the Southeast Quarter (SE/4) of Section Twenty-four (24), Township Twenty South (20S), Range Nineteen East (19E),

be vacated and cancelled, respectively, as lots, streets, commons areas and utility easements; which said Hayden's Lakeview Estates Addition to Garnett was recorded in the office of the Register of Deeds of Anderson County, Kansas, on the 19th day of May, 1976.

SECTION 2: That the area covered by said Addition has been re-platted and the real estate above-described is that part of the original Plat which has been changed in the revision to said Plat; that the revised Plat of said Addition was recorded in the Office of Register of Deeds of Anderson County, Kansas, on or about the 13th day of June, 1977; that the revised Plat thereof has made alternative provisions for streets, commons areas, and the lots as re-platted and it is now necessary and expedient to vacate the real estate above-described respectively as streets, commons areas, easements, and 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 streets, easements, commons, and lots in the Office of City Clerk, City Hall, 131 West Fifth Avenue, Garnett, Kansas, and unless a written protest is filed within the said thirty (30) day period, this Ordinance shall become effective.

SECTION 4: 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 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 publication in The Anderson Countian, the official newspaper of the City of Garnett, Kansas, and afte expiration of the time for protest, as provided herein and as provided by Kansas statutes.

PASSED and APPROVED This 14th day of September, 1977.

Edward J Toomey
Mayor

A T T E S T:

R. G. Doran
City Clerk

ORDINANCE NO. 2416

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF GARNETT, KANSAS, TO FINANCE THE CONSTRUCTION OF STREETS WITHIN HAYDEN'S LAKEVIEW ESTATES ADDITION (REVISED 1977), UNTIL SUCH TIME AS BONDS THEREFOR ARE ISSUED.

WHEREAS, Under proceedings duly and regularly had for the construction and extension of streets in the City of Garnett, Kansas, in Hayden's Lakeview Estates Addition (Rev. 1977), said street construction and improvement is now underway; 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 and Chapter 47 of the Laws of Kansas 1977, proper and full authority is conferred on the said City of Garnett to issue its temporary notes for the purpose of financing the construction of said streets.

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 construction of streets in the City of Garnett, Kansas, in the improvement district designated and known as Hayden's Lakeview Estates Addition (Rev. 1977) as created and authorized by Ordinance No. 2405, 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 6¼% per annum and maturing on the 31st day of December, 1978, but which shall 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 $65,000.00; said sum being the approved estimated cost of such improvement project and 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 The Anderson Countian, the official City newspaper.

PASSED and APPROVED This 22nd day of September, 1977.

CITY OF GARNETT KANSAS

Edward J. Toomey
Mayor

ATTEST:

R. G. Doran
City Clerk

Bob Madden

ORDINANCE NO. 2417

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:

> The South Half (S/2) of the East Half (E/2) of the Northeast Quarter (NE/4) of the Southwest Quarter (SW/4) of Section Twenty-five (25), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian, containing 10 acres, more or less;

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, 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 The Anderson Countian, the official City newspaper.

PASSED and APPROVED This 28th day of September, 1977.

Edward J Toomey
Mayor

A T T E S T:

R. G. Doran
City Clerk

Ordinance No. 2418

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET IMPROVEMENTS 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 specified street repairs and improvements, and such petition being signed by a number of resident owners of record of property liable for assessment under the proposal; and

WHEREAS, Such petition has been previously examined by this Commission and found sufficient as required by law and signed by more than one-half of the resident owners of record of the area liable for such assessment, if the proposal be accepted; and

WHEREAS, This Commission may proceed without notice to make these findings and, pursuant to law, order such improvements without further notice and without receiving protest, or affording opportunity for such protest.

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 repairs and improvements, as specified therein, along Park Avenue between 7th Street and the South County Road (19' x 1,452') is examined and found to be in conformity with K.S.A. 12-6a04 and all other provisions of applicable law.

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

Park Avenue between 7th Street and the South County Road (19' x 1,452')

Penetrating 3,065 square yards @20¢ per square yard	$ 613.00
200 ton base rock	400.00
Seal & cover 6,130 square yards @30¢ per square yard	1,839.00
	$2,852.00

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

West 25' of Blocks Two (2), Five (5), Eight (8), Eleven (11); and East 25' of Blocks One (1), Six (6), Seven (7), Twelve (12) of Bronston Heights Addition.

Lots Twelve (12) and Thirteen (13) of Block One (1); Lots One (1) and Thirty-six (36) of Block Two (2); Lots One (1) and Thirty-six (36) of Block Five (5); Lots Twelve (12) and Thirteen (13) of Block Six (6); Lots One (1) and Thirty-six (36) of Block Eight (8); Lots Twelve (12) and Thirteen (13) of Block Seven (7); Lots One (1) and Thirty-six (36) of Block Eleven (11); Lots Twelve (12) and Thirteen (13) of Block Twelve (12).

Said Addition being a part of the said City of Garnett, Kansas.

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

SECTION 5. It is hereby ordered that the appropriate departments of the City of Garnett proceed as soon as possible to make the improvements in said improvement district as petitioned for by record owners and found by this Ordinance to be desirable, advisable, and necessary, and upon the 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 Anderson Countian the official City newspaper.

PASSED and APPROVED this 28th day of September, 1977.

Edward J. Toomey
Mayor

ATTEST:

CITY CLERK

P E T I T I O N

TO THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS.

We, the undersigned, owners of property situate within the City of Garnett, do hereby respectively request that the Governing Body of the City of Garnett, Kansas create and designate an improvement district for the purpose of street repairs and improvements, as hereinafter specified, along and abutting the several properties owned by us.

The location, general nature, and estimated cost of such requested street repairs and improvements are as follows:

Park Avenue between 7th Street and the South County Road (19' x 1,452')

Penetrating 3,065 square yards @20¢ per square yard	$ 613.00
200 ton base rock	400.00
Seal & cover 6,130 square yards @30¢ per square yard	1,839.00
	$2,852.00

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

West end of Blocks Two (2), Five (5), Eight (8), Eleven (11); and East end of Blocks One (1), Six (6), Seven (7), Twelve (12) of Bronston Heights Addition.

Lots Twelve (12) and Thirteen (13) of Block One (1); Lots One (1) and Thirty-six (36) of Block Two (2); Lots One (1) and Thirty-six (36) of Block Five (5); Lots Twelve (12) and Thirteen (13) of Block Six (6); Lots One (1) and Thirty-six (36) of Block Eight (8); Lots Twelve (12) and Thirteen (13) of Block Seven (7); Lots One (1) and Thirty-six (36) of Block Eleven (11); Lots Twelve (12) and Thirteen (13) of Block Twelve (12).

Said Addition being a part of the said City of Garnett, Kansas.

The undersigned respectively request that such improvements be made without notice and hearing as provided in K.S.A. 12-6a04 (1).

NOTE: Signers not permitted to withdraw names from this Petition after seven (7) days of its filing with City Clerk or after Governing Body commences consideration of the same, whichever occurs first. All property owners will be given the priviledge of paying the project cost off in one lump sum or having the cost distributed on their property tax over a three year period at no interest charge.

SIGNATURE	STREET ADDRESS	DATE SIGNED
ok – Mrs Barbara Burton	R.R.2	8-5-77
ok – Charles Nicholson III	R. R.2	8-5-77
ok – Melvin Leonard	R.R. #2	8-5-77
ok – Neal J Naylor	RR #2	8-5-77
George Goins	RR 2 –	8-5-77
ok – Walter Omalley	RR 2	8-5-77
ok – William R Mickael	R.R 2	8-6-77
ok Walter H Hutchinson	1 [illegible] St	8/7-77
ok Ron Barnett	R.R. 2	8-7-77
ok – Gene H Hemmeb	Box 246 –	8-5-77

Block 1		
Lot 12	150' @.98¢	$147.00
Lot 13	150' @.98¢	$147.00
Block 2		
Lot 1	150' @.98¢	$147.00
Lot 36	150' @.98¢	$147.00
Block 5		
Lot 1	150' @.98¢	$147.00
Lot 36	150' @.98¢	$147.00
Block 6		
Lot 12	150' @.98¢	$147.00
Lot 13	150' @.98¢	$147.00
Block 7		
Lot 12	150' @.98¢	$147.00
Lot 13	150' @.98¢	$147.00
Block 8		
Lot 1	150' @.98¢	$147.00
Lot 36	150' @.98¢	$147.00
Block 11		
Lot 1	150' @.98¢	$147.00
Lot 36	150' @.98¢	$147.00
Block 12		
Lot 12	150' @.98¢	$147.00
Lot 13	150' @.98¢	$147.00
City of Garnett street and alleys - 504 feet @.98¢		$493.92
		$2,845.92

Ordinance No. 2419

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET IMPROVEMENTS 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 specified street repairs and improvements, and such petition being signed by a number of resident owners of record of property liable for assessment under the proposal; and

WHEREAS, Such petition has been previously examined by this Commission and found sufficient as required by law and signed by more than one-half of the resident owners of record of the area liable for such assessment, if the proposal be accepted; and

WHEREAS, This Commission may proceed without notice to make these findings and, pursuant to law, order such improvements without further notice and without receiving protest, or affording opportunity for such protest.

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 repairs and improvements, as specified therein, along Olive Street between Sixth Avenue and Seventh Avenue (20' x 296') is examined and found to be in conformity with K.S.A. 12-6a04 and all other provisions of applicable law.

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

Olive Street between Sixth Avenue and Seventh Avenue (20' by 296')

657.77 square yards of bituminous single seal

Seal and cover 30¢ $107.33

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

Block 62, Lot 1 and 24 of the City Proper to the said City of Garnett, Kansas.

Block 61, Lot 8 and Lot 9 of the City Proper to the said City of Garnett, Kansas.

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

SECTION 5. It is hereby ordered that the appropriate departments of the City of Garnett proceed as soon as possible to make the improvements in said improvement district as petitioned for by record owners and found by this Ordinance to be desirable, advisable, and necessary, and upon the 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 Anderson Countian the official City newspaper.

PASSED and APPROVED this 12th day of October, 1977.

Edward J Toomey
Mayor

Attest:

CITY CLERK

P E T I T I O N

TO THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

We, the undersigned, owners of property situate within the City of Garnett, do hereby respectively request that the Governing Body of the City of Garnett, Kansas, create and designate an improvement district for the purpose of street repairs and improvements, as hereinafter specified, along and abutting the several properties owned by us.

The location, general nature and estimated cost of such requested street repairs and improvements are as follows:

Olive Street between Sixth Avenue and Seventh Avenue
(20' by 296')

657.77 square yards of bituminous single seal

Seal and cover @30¢
Total estimated project cost $107.33

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

Block 62, Lot 1 and 24 of the City Proper to the said City of Garnett, Kansas.

Block 61, Lot 8 and Lot 9 of the City Proper to the said City of Garnett, Kansas.

The undersigned respectively request that such improvements be made without notice and hearing as provided in K.S.A. 12-6a04 (1).

NOTE: Signers not permitted to withdraw names from this Petition after seven (7) days of its filing with City Clerk or after Governing Body commences consideration of the same, whichever occurs first.

SIGNATURE	STREET ADDRESS	DATE SIGNED
John A Kent	526 E 6th	8-22-77
John S Griffith	601 E 7th	8-22-77
A A Watkins	601 East 6th	8-22-77
Nellie Kennard	543 E 7th St	8-22-77
Birdie Kennard	543 E. 7th St	8-22-77
Letha Griffith	601 E 7th	8-22-77
Eula M. Kent	526 E 6th Garnett	8-22-77
Tony Karl	602 E. 7th	8-22-77
Marilyn Karl	"	
Lucille Kennard	613 E 7th	8-22-77
E. J. Burnett	613 E 7th	8-22-77
93 ob 93 emmett	615 E 7th	8-22-77
Horace L Beauchamp	522 E 6th	8-23-77

ORDINANCE NO. 2420

AN ORDINANCE INCORPORATING BY REFERENCE THE "NATIONAL ELECTRICAL CODE" EDITION OF 1978; 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 1978, 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, § 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, ~~shop, outhouse, shed~~, 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. 2420" 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, § 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 ANDERSON COUNTIAN, the official newspaper of the City of Garnett, Kansas.

PASSED and APPROVED by the City Commission this 12th day of October, 1977.

Edward J. Toomey
Mayor

Attest:

City Clerk

ORDINANCE NO. 2422

AN ORDINANCE DEFINING PUBLIC DEFECATION, DECLARING THE SAME TO BE A MISDEMEANOR, AND PROVIDING FOR PENALTIES.

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

SECTION 1: PUBLIC DEFECATION DEFINED: Public defecation is the act of discharging waste matter from the human body, either fecal matter or urine, done in a public place other than in an area, structure, or facility specifically provided for such purpose.

SECTION 2: Public defecation is hereby declared to be unlawful and any person convicted of public defecation as defined by this Ordinance shall be guilty of a misdemeanor and punished by a fine not to exceed One Hundred Dollars ($100.00) or by imprisonment for a period of not more than thirty (30) days or by both such fine and imprisonment.

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

PASSED and APPROVED This 26th day of October, 1977.

Edward J. Toomey
Mayor

ATTEST:

R. G. Doran
City Clerk

ORDINANCE NO. 2423

AN ORDINANCE RESTRICTING THE POSSESSION OF ALCOHOLIC LIQUOR, STRONG BEER, AND CEREAL MALT BEVERAGES BY CERTAIN INDIVIDUALS; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

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

SECTION 1: It shall be unlawful for any person under the age of twenty-one (21) years to have in his possession or to exercise control over any alcoholic liquor or strong beer as such terms are defined by the laws of the State of Kansas.

SECTION 2: It shall be unlawful for any person under the age of eighteen (18) years to have in his possession or to exercise control over any alcoholic liquor, strong beer, or cereal malt beverage as such terms are defined by the laws of the State of Kansas.

SECTION 3: Any person convicted of violating the terms of this Ordinance shall be punished by a fine not to exceed One Hundred Dollars ($100.00) or by imprisonment for a period of not more than thirty (30) days or by both such fine and imprisonment. For the purposes of prosecuting violations of Section 2 hereof under the Kansas Juvenile Code, violation of this Ordinance is hereby specifically declared to be a misdemeanor.

SECTION 4: 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 26th day of October, 1977.

Edward J. Toomey
Mayor

ATTEST:

R. G. Doran
City Clerk

ORDINANCE NO. 2424

AN ORDINANCE PROHIBITING LOITERING UNDER SPECIFIED CONDITIONS; PROVIDING FOR PENALTIES FOR VIOLATING SAID ORDINANCE.

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

SECTION 1: LOITERING ON OR ABOUT BUSINESS PREMISES. It shall be unlawful for any person to stay or remain on or about the premises of any business property located within the City of Garnett without any lawful purpose, unless such business establishment shall be at that time open to the general public for the regular conduct of business or unless such person shall have then and there in his possession authorization in writing of the owner, occupant, or any other person having lawful control thereof.

SECTION 2: Any person convicted of violating the terms of this Ordinance shall be punished by a fine not to exceed One Hundred Dollars ($100.00) or by imprisonment for a period of not more than thirty (30) days or by both such fine and imprisonment.

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

PASSED and APPROVED This 26th day of October, 1977.

Edward J. Toomey
Mayor

ATTEST:

R. C. Doran
City Clerk

ORDINANCE NO. 2425

AN ORDINANCE RESTRICTING GAS AND ELECTRIC UTILITY CONNECTIONS IN NEW RESIDENTIAL DWELLINGS AND NEW COMMERCIAL BUILDINGS TO THOSE MEETING CERTAIN HEATING AND COOLING STANDARDS.

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

SECTION 1. For the purposes of this ordinance, the following rules of construction and definitions shall apply.

(a) The word "city" refers to the City of Garnett, Kansas.

(b) The words "shall" and "will" are mandatory.

(c) "ASHRAE" refers to the American Society of Heating, Refrigerating and Air-conditioning Engineers, Inc., of New York, New York.

(d) "BTUs" means British Termal Units.

(e) "EER" means Energy Efficiency Ratio, the ratio of net cooling capacity in BTUs/hr. to total electric input in watts.

(f) The words "heated space" shall mean that space within a building which is provided with a positive heat supply having a connected output capacity in excess of ten (10) BTUs/hr. per square foot.

(g) The words "new commercial building" shall mean any building used to provide, at wholesale or retail, storage, services, supplies, goods or products to the public, other than a building used for the purpose of manufacturing raw material into a finished product, but shall not be construed to apply to any such building whose foundation has been completed by December 1, 1977.

(h) The words "new residential dwelling" shall mean all new hotels, motels, apartment houses, lodging houses, private homes and other residential dwellings, construction of which commences on or after the effective date of this ordinance, but shall not be construed to apply to mobile homes, or any such new residential dwelling where the foundation has been completed by December 1, 1977. This definition shall apply to buildings of mixed occupancy.

(i) The word "owner" shall mean a person, as defined herein, holding legal title to the residential dwelling or commercial building.

(j) The word "person" shall mean any individual, individuals, corporation, partnership, unincorporated association or other business organization, committee, board, trustee, receiver or agent.

(k) The word "utility" shall mean any gas or electric system operated by the city.

SECTION 2. No connections or attachments of service to new residential dwellings or new commercial buildings shall be made by a utility until such utility has received a certificate of compliance from the owner that the residential dwelling or commercial building meets the standards set forth in Section 3 of this ordinance. Such certificate of complaince shall include supporting statements from the architect and/or contractor, if either or both such persons were employed in the design and construction of the new residential dwelling or new commercial building. Receipt by the utility of such certificate of compliance shall be required for permanent utility service.

SECTION 3. Certificates of complaince required by Section 2 of this ordinance shall certify that the following heating and cooling standards have been met where applicable:

(a) New residential dwellings shall be constructed so the total heat loss, based on the ASHRAE Handbook of Fundamentals does not exceed 35 BTUs per square foot per hour of heated floor area of finished living space, at a design temperature differential of 80 degrees Fahrenheit with a maximum of 1 1/2 air changes per hour.

(b) New commercial buildings shall be constructed so heat transmission loss of heated areas, based on the ASHRAE Handbook of Fundamentals, does not exceed 35 BTUs per square foot per hour of floor area based on a design temperature differential of 80 degrees Fahrenheit.

(c) The EER of all air conditioners in new residential dwellings and new commercial buildings on and after December 1, 1977, shall be not less than 7.0; the EER of heat pumps in such structures shall be not less than 6.7.

(d) The EER of all air conditioners in new residential dwellings and new commercial buildings on and after November 1, 1979, shall be not less than 8.0; the EER of heat pumps in such structures shall be not less than 7.5.

(e) In the case of a new residential dwelling or new commercial building which is heated and/or cooled in only a portion of the structure, the requirements of this Section shall apply only to the heated and/or cooled portion of the structure.

SECTION 4. This ordinance is adopted by authority of and under the provisions of Article 12, Section 5(b) of the Kansas Constitution.

SECTION 5. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed by the Governing Body of the City of Garnett, Kansas this 9th day of November, 1977.

APPROVED:

Edward J. Toomey
Mayor

Attest:

City Clerk

ORDINANCE NO. 2426

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET IMPROVEMENTS AND FINDING THE DESIRABILITY OF MAKING SUCH IMPROVEMENTS, THE ESTIMATED COST THEREOF, BOUNDAIRES 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 specified street repairs and improvements, and such petition being signed by a number of resident owners of record of property liable for assessment under the proposal; and

WHEREAS, Such petition has been previously examined by this Commission and found sufficient as required by law and signed by more than one-half of the resident owners of record of the area liable for such assessment, if the proposal be accepted; and

WHEREAS, This Commission may proceed without notice to make these findings and, pursuant to law, order such improvements without further notice and without receiving protest, or affording opportunity for such protest.

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 repairs and improvements, as specified therein, along Tenth Avenue between Walnut and Elm Streets (20' by 535') is examined and found to be in conformity with K.S.A. 12-6a04 and all other provisions of applicable law.

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

Tenth Avenue between Walnut and Elm Streets
(20' by 535')

1189 square yards of bituminous single seal

Seal and cover @30¢ $356.70

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

South Half (S/2) of Block Thirteen (13) and the North Half (N/2) of Block Eighteen (18) of Chapman's Addition to the said City of Garnett, Kansas.

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

SECTION 5. It is hereby ordered that the appropriate departments of the City of Garnett proceed as soon as possible to make the improvements in said improvement district as petitioned for by record owners and found by this Ordinance to be desirable, advisable, and necessary, and upon the 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 Anderson Countian the official City newspaper.

PASSED and APPROVED this 9th day of November, 1977.

Edward J. Toomey

Edward J. Toomey, Mayor

Attest:

R. G. Doran

R. G. Doran, City Clerk

P E T I T I O N

TO THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

We, the undersigned, owners of property situate within the City of Garnett, do hereby respectively request that the Governing Body of the City of Garnett, Kansas, create and designate an improvement district for the purpose of street repairs and improvements, as hereinafter specified, along and abutting the several properties owned by us.

The location, general nature, and estimated cost of such requested street repairs and improvements are as follows:

Tenth Avenue between Walnut and Elm Streets
(20' by 535')

1189 square yards of bituminous single seal

Seal and cover @30¢	$356.70
Total Estimated Project Cost	$356.70

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

South Half (S/2) of Block Thirteen (13) and the North Half (N/2) of Block Eighteen (18) of Chapman's Addition to the said City of Garnett, Kansas.

The undersigned respectively request that such improvements be made without notice and hearing as provided in K.S.A. 12-6A04 (1).

NOTE: Signers not permitted to withdraw names from this Petition after seven (7) days of its filing with City Clerk or after Governing Body commences consideration of the same, whichever occurs first.

Signature	Street Address	Date Signed
Mr & Mrs Ralph Jetz	212 W. 10 th	May 26 1977
Mr & Mrs. John D. Schuster	242 W 10	5-26-77
Alice Roberts	243 W 10	Oct 16 77

ORDINANCE NO. 2427

AN ORDINANCE RESTRICTING PARKING UPON THE PUBLIC STREET EASEMENTS AT AND ADJACENT TO THE INTERSECTION OF SIXTH AVENUE AND OAK STREET.

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 a part of the public street easement, whether paved or not:

(a) On Sixth Avenue thirty feet (30') east of the east boundary of the public street easement of Oak Street and thirty feet (30') west of the west boundary of the public street easement of Oak Street and at any place on said Sixth Avenue within the intersection of the public street easements of said Sixth Avenue and said Oak Streets; and

(b) On Oak Street thirty feet (30') north of the north boundary of the public street easement of Sixth Avenue and thirty feet (30') south of the south boundary of the public street easement of Sixth Avenue and at any place on said Oak Street within the intersection of the public street easements of said Oak Street and said Sixth Avenue.

SECTION 2: VIOLATION A MISDEMEANOR: Violation of this Ordinance shall be declared a misdemeanor and for each such violation and conviction thereof a penalty shall be levied and imposed in accordance with Title 1, Chapter 3 of the Municipal Code of the City of Garnett, Kansas.

SECTION 3: Signs may be erected and maintained within the area designated above advising "No Parking on Public Street Easement", but the absence of any such signs shall not be a defense in any prosecution for a violation hereof.

SECTION 4: This Ordinance shall, upon its effective date, be incorporated into and become a part of Title 10, Chapter 2 of the Municipal Code of the City of Garnett, Kansas.

SECTION 5: This Ordinance shall take effect and be in force from and after its publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED This 9th day of November, 1977.

Edward J. Toomey
Mayor

A T T E S T:

City Clerk

ORDINANCE NO. 2429

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:

All of Blocks Five (5), Six (6), and Seven (7) of Bailey's Orchard Park Addition (Rev. 1977) to the City of Garnett;

is hereby changed from R-1 (Residential District) to R-2 (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 30th day of November, 19 77.

Edward G. Toomey
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2431

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:

All of Block Sixteen (16) of Mandovi Addition to the City of Garnett;

is hereby changed from R-3 (Residential District) to I-1 (Light Industrial 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 14th day of December, 19 77.

Edward J Toomey
Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2433

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET IMPROVEMENTS 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 specified street repairs and improvements, and such petition being signed by a number of resident owners of record of property liable for assessment under the proposal; and

WHEREAS, This Commission may proceed without notice to make these findings and, pursuant to law, order such improvements without further notice and without receiving protest, or affording opportunity for such protest.

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 repairs and improvements, as specified therein, along High Street between Seventh Street and the south end of High Street (18' x 275') is examined and found to be in conformity with K.S.A. 12-6a04 and all other provisions of applicable law.

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

High Street between Seventh Street and the south end of High Street (18' x 275')

550 square yards of bituminous double seal

Seal and cover @30¢ $620.00

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

Lots One (1), Tow (2), Three (3), Four (4), Five (5) and Six (6) of the Vickers Addition, said addition being a part of the said City of Garnett, Kansas.

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

SECTION 5. It is hereby ordered that the appropriate departments of the City of Garnett proceed as soon as possible to make the improvements in said improvement district as petitioned for by record owners and found by this Ordinance to be desirable, advisable, and necessary, and upon the 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 Anderson Countian the official City newspaper.

PASSED and APPROVED this 28th day of December, 1977.

Edward J. Toomey
Mayor

Attest:

City Clerk

*1.12 =

39.55

P E T I T I O N

TO THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS.

We, the undersigned, owners of property situate within the City of Garnett, do hereby respectively request that the Governing Body of the City of Garnett, Kansas create and designate an improvement district for the purpose of street repairs and improvements, as hereinafter specified, along and abutting the several properties owned by us.

The location, general nature, and estimated cost of such requested street repairs and improvements are as follows:

High Street between Seventh Street and the south end of High Street (18' x 275')

Penetrating 550 square yards @20¢ per square yard	$110.00
60 ton baserock	180.00
Seal & cover 550 square yards @30¢ per square yard	165.00
Second seal and cover	165.00
	$620.00

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

Lots One (1), Two (2), Three (3), Four (4), Five (5) and Six (6) of the Vickers Addition, said addition being a part of the said City of Garnett, Kansas.

The undersigned respectively request that such improvements be made without notice and hearing as provided in K.S.A. 12-6a04 (1).

NOTE: Signers not permitted to withdraw names form this Petition after seven (7) days of its filing with the City Clerk or after Governing Body commences consideration of the same, whichever occurs first. All property owners will be given the privilege of paying the project cost off in one lump sum or having the cost distributed on their property tax over a three year period at no interest charge.

SIGNATURE	STREET ADDRESS	DATE SIGNED
Don Day	710 High	10-24-77
Clarence Mank	715 High	10-24-77
Larry Patterson	730 High	10-25-77
Molly Myers	719 High	12-4-77
Lauck Powers by Bob Powers	727 High	12-5-77

ORDINANCE NO. 2435

AN ORDINANCE AMENDING ORDINANCE #2382 AND ESTABLISHING NEW PERIODIC CHARGES FOR THE MUNICIPAL GAS UTILITY; REPEALING EXISTING SECTION THREE (3) OF SAID ORDINANCE.

SECTION 1. Section Three (3) of Ordinance #2382 of the City of Garnett is hereby amended to read as follows:

> 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 $1.39 per thousand cubic feet sold.

SECTION 2. Section Three (3) of Ordinance #2382, as the same presently exists, is hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after February 1, 1978 and after its publication in the Anderson Countian, the official City newspaper.

Edward J Toomey
Mayor

Attest:

City Clerk

ORDINANCE NO. 2436

AN ORDINANCE REDEFINING THE TERRITORIAL LIMITS OF THE CITY OF GARNETT, KANSAS.

WHEREAS, Various tracts, parcels and lots of land have been added to the territorial limits of the City of Garnett, Kansas, during the year 1977, and,

WHEREAS, It is necessary to redefine the territorial limits of the City of Garnett;

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

Section 1. That the boundary of the City of Garnett, as changed by the addition of territory thereto, is hereby described as follows:

Commencing at the Southwest Corner of the Northwest Quarter of the Northwest Quarter of Section 31, Township 20, Range 20, Anderson County, Kansas, thence North on said section line 1326.10 feet to the Southeast Corner of Section 25, Township 20, Range 19, thence North on said section line 679 feet, thence West 720 feet, thence South 679 feet to the South line of said Section 25, thence West 1920 feet to the Southwest Corner of the Southeast Quarter of said Section 25, thence West 485 feet, thence North 1314 feet, thence East 485 feet to the Northwest Corner of the Southwest Quarter of the Southeast Quarter of said Section 25, thence North 3960 feet to the Northwest Corner of the Northeast Quarter of Section 25, Township 20, Range 19, thence East on said section line 2640 feet to the Northeast Corner of the Northeast Quarter of Section 25, thence North 253 feet, thence East 360 feet, thence South 100 feet, thence West 100 feet, thence South 153 feet to the South line of Section 19, Township 20, Range 20, thence East on said section line 1060 feet to the Southeast Corner of the Southwest Quarter of the Southwest Quarter of said Section 19, thence North 662 feet, thence East 850.5 feet to the West line of the right-of-way of the Atchison, Topeka and Santa Fe Railroad, thence Southeasterly along said West line of said railroad right-of-way to the point where said line intersects the South line of said Section 19, thence East along said section line to the Northeast Corner of the West Half of the West Half of the Northeast Quarter of the Northeast

Quarter of said Section 30, Township 20, Range 19, Anderson County, Kansas, thence East 71 feet, thence North 400 feet, thence East 170 feet, thence South 240 feet, thence West 70 feet, thence South 160 feet, thence East 819 feet to the Northeast Corner of said Section 30, thence North 240 feet, thence East 230 feet, thence South 240 feet, thence East 3730 feet to the Northeast Corner of the West Half of the Northeast Quarter of Section 29, Township 20, Range 20, thence South 2130 feet to the North right-of-way of the Missouri Pacific Railroad, thence Southwesterly along the North line of said railroad right-of-way 1060 feet, thence North 23°30' East 118 feet, thence North 152 feet, thence West 545 feet, thence South 430 feet, thence West 225 feet, thence North 2260 feet to the Southeast Corner of the North Half of the North Half of the Northeast Quarter of the Northwest Quarter of said Section 29, thence East 996.1 feet, thence South 165 feet, thence West 323.9 feet, thence South 855 feet to the Southeast Corner of the Northwest Quarter of the Northwest Quarter of Section 29, thence West 1320 feet to the Southwest Corner of the Northwest Quarter of the Northwest Quarter of said Section 29, thence South 180 feet, thence East 334 feet, thence South 1148 feet, thence East 334 feet to the Southwest Corner of the Northwest Quarter of Section 29, thence South approximately 1355 feet to the Southeast Corner of the North Half of the Southeast Quarter of Section 30, Township 20, Range 20, thence West on the South section line of the said North Half of the Southeast Quarter of said Section 30 to a point 40 feet West of the Southwest Corner of Lot 12, Block 78, City of Garnett, thence South 229.5 feet, thence West 193.3 feet, thence Northerly 213.3 feet, thence East 165.5 feet, thence North 16 feet to the Southeast Corner of Lot 1, Block 77, City of Garnett; thence West to the Southwest Corner of the North Half of the Southeast Quarter of Section 30, Township 20, Range 20; thence South 2652.04 feet to the Southeast Corner of the North Half of the Northwest Quarter of Section 31, Township 20, Range 20; thence West along the South line of the North Half of the Northwest Quarter of Section 31, Township 20, Range 20, 2602 feet to the Southwest

Corner of the North Half of the Northwest Quarter of Section 31, to the place of beginning; and commencing at a point where the east side of the right-of-way of the Atchison, Topeka and Santa Fe Railroad intersects the south section line of Section 19, Township 20 South, Range 20 East, thence East to a point 538 feet East of the center line of said Section , thence North 660 feet, thence East 594 feet, thence South 660 feet, thence East 40 feet, thence North 2640 feet, East 198 feet, thence North 2640 feet, thence West 1320 feet, thence North 562.8 feet, thence East 990 feet, thence North 100 feet, thence North 44°48' West 940.5 feet, thence West 330 feet, thence North 330.6 feet, thence North 89°33' West 1185.3 feet, thence South 0°27' West 706.5 feet, thence South 45°0' West 90 feet, thence South 14°7' East 90 feet, thence South 76°7' West 65 feet to a point on the East right-of-way line of the Atchison, Topeka and Santa Fe Railroad, thence South and Southeastward along the East right-of-way line to a point of beginning; and the Northeast Quarter (NE/4) of the Southeast Quarter (SE/4) of Section 29, Township 20, Range 20, except a tract of 3.7 acres, more or less, described as follows: Beginning at a point 30 feet South of the center of the East side of Section 29, thence South 800 feet, thence West 200 feet, thence North 800 feet, thence East 200 feet to point of beginning. A tract of land 31 acres, more or less, lying in the West Half (W/2) of the Southwest Quarter (SW/4) of Section 28, Township 20, Range 20, described as follows: Beginning at a point 20 feet North of the Southwest Corner of said Section 28, thence North 1800 feet, thence East 750 feet, thence South 1800 feet, thence West 750 feet to point of beginning. East Half (E/2) of the Northwest Quarter (NW/4) of the Southeast Quarter (SE/4) of Section 29, Township 20, Range 20, except a tract of 2 acres more or less, described as follows: Beginning at a point 375 feet West of the Northeast Corner of the Northwest Quarter (NW/4) of the Southeast Quarter (SE/4) of said Section 29, thence South 330 feet, thence West to a point intersecting the West line of said East Half (E/2) of the

Northwest Quarter (NW/4) of the Southeast Quarter (SE/4) of said Section 29, thence North 330 feet, thence East to place of beginning. The Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of Section 29, Township 20, Range 20, except a tract of 5 acres, more or less, described as follows: Beginning at the Southeast Corner of the Southeast Quarter (SE/4) of said Section 29, Township 20, Range 20, thence North 15 rods, thence West 53 1/2 rods, thence South 15 rods, thence East 53 1/2 rods to point of beginning; commencing 225 feet east of the Southwest Corner of the Northeast Quarter (NE/4) of Section Twenty-nine (29), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence North 430 feet, thence East 1097 feet to the right-of-way of the Missouri Pacific Railroad, thence Southwest along said right-of-way to the south line of said Quarter Section, thence West to the point of beginning, except an easement for railroad spur now in place; beginning 889.2 feet West of the Southeast Corner of Southeast Quarter (SE/4) of Section Twenty-four (24), Township Twenty (20), Range Nineteen (19), Anderson County, Kansas, thence North 309.3 feet, thence West 180 feet, thence South 309.3 feet, thence East 180 feet or to the place of beginning; beginning at a point 707.5 feet North of the Southeast Corner of Section 25, Township 20, Range 19, Anderson County, Kansas, thence West 720 feet, thence North 200 feet, thence East 720 feet, thence South 200 feet to place of beginning; commencing at the Southeast Corner of the Southwest Quarter (SW/4) of the Southwest Fractional Quarter (SW Fr/4) of Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East of the Sixth Principal Meridian, thence North 399 feet, thence West 235 feet, thence South 146 feet, thence West 725 feet, more or less, to the Northeast Corner of Ellis Addition to the City of Garnett, thence South 100

feet, thence West 100 feet, thence South 153 feet, thence East along section line to place of beginning; beginning at a point 1121 feet South of the Northeast Corner of the Southeast Quarter (SE/4) of Section Twenty-four (24), Township Twenty (20) South, Range Nineteen (19) East, thence continuing South from said point for a distance of 1531.3 feet, more or less, to the Southeast Corner of said quarter section, thence running West 1093 feet, thence running North 489.3 feet, thence running West 200 feet, thence running North 1540 feet, thence running East 75 feet, thence running North 629 feet, more or less, to the North boundary line of said quarter section, thence running East along said north boundary line 1008 feet, thence South 420 feet, thence West 161 feet, thence South 198 feet, thence East 378 feet, thence South 200 feet, thence West 217 feet, thence South 174 feet, thence South 52°45' East 210 feet to a point 37 feet directly west of the place of beginning, thence East 37 feet to place of beginning, less: Beginning 889.2 feet West of the Southeast Corner of the said quartersection, thence running North 309.3 feet, thence running West 180 feet, thence running South 309.3 feet, thence running East 180 feet to the place of beginning; and also less: Beginning at a point 60 feet West and 310 feet North of the Southeast Corner of said quarter section, thence West 458 feet, thence North 180 feet, thence East 11 feet, thence North 154 feet, thence East 450 feet, thence South 335 feet, more or less, to the place of beginning. Beginning at a point 309.3 feet North of the Southwest Corner of the East Half (E/2) of the Southeast Quarter (SE/4) of Section Twenty-four (24), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian and said point being straight West of the Northwest Corner of the property of the State Highway Commission, thence running North along said half section line 180 feet, more or less, to the Southwest Corner of Lot Twenty-three (23) of Hayden's Lakeview Estates Addition to the City of Garnett,

Kansas, thence East 200 feet, thence South 180 feet, more or less, thence running directly West 200 feet to the point of beginning. Beginning at the Northwest Corner of Lot Seven (7), Block Two (2), Bryson Addition to the City of Garnett, Anderson County, Kansas, thence North 150.4 feet, thence East 133 feet, thence South 150.4 feet, thence West 133 feet to place of beginning. Commencing 300 feet South of the Northeast Corner of the South Half (S/2) of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of Section Twenty-nine (29), Township Twenty (20), Range Twenty (20), thence running West 580.8 feet, thence North 300 feet, thence West 518.2 feet, thence South 120 feet, thence West 161 feet, thence North 120 feet, thence West 60 feet, thence South 185 feet, thence East 300 feet, thence South 475 feet, thence East 1,020 feet, thence North 360 feet to the point of beginning; beginning at the Northeast Corner of the Southwest Quarter (SW/4) of Section Twenty-five (25), Township Twenty (20) South, Range Nineteen (19) East, thence South 185 feet, thence West 100 feet, thence North 185 feet, thence East 100 feet to place of beginning; a tract beginning 55 rods North of the Southeast Corner of the Southeast Quarter (SE/4) of Section Twenty-five (25), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian, thence North 18 rods, thence West 43 7/11 rods, thence South 18 rods, thence East 43 7/11 rods to the place of beginning; beginning at a point 250 feet West of the Southeast Corner of the Southeast Quarter (SE/4), Section Nineteen (19), Township Twenty (20) South, Range Twenty (20) East, thence West 100 feet, thence North 200 feet, thence East 100 feet, thence South 200 feet to place of beginning; the South Half (S/2) of the East Half (E/2) of the Northeast Quarter (NE/4) of the Southwest Quarter (SW/4) of Section Twenty-five (25), Township Twenty (20) South, Range Nineteen (19) East of the Sixth Principal Meridian, all in Anderson County, Kansas.

Section 2. This Ordinance shall be in force from and after its passage and publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED this 25 day of January, 1978.

Edward Toomey
Mayor

A T T E S T:

City Clerk

ORDINANCE NO. 3438

AN ORDINANCE DECLARING THE DESIRABILITY AND NECESSITY OF PURCHASING ADDITIONAL FIRE-FIGHTING EQUIPMENT FOR THE MUNICIPAL FIRE DEPARTMENT; AND TO FINANCE ACQUISITION THEREOF BY THE ISSUANCE OF MUNICIPAL BONDS (GENERAL OBLIGATION) OF THE CITY OF GARNETT, KANSAS, PURSUANT TO K.S.A. 12-110c; PROVIDING DIRECTLY FOR BOND ELECTION AND THE CONDUCT AND NOTICE THEREOF PURSUANT TO K.S.A. 10-120

WHEREAS, The City of Garnett, Kansas operates a Municipal Fire Department; and

WHEREAS, The City of Garnett, Kansas, and its citizens have recently suffered great monetary loss by fire with the destruction of an extensive area of the downtown business district; and

WHEREAS, It is determined that to protect the said City of Garnett and its inhabitants more adequately from the ravages of future fires, it is necessary to purchase new additional fire-fighting equipment; and

WHEREAS, It will be necessary to purchase such equipment with the proceeds of municipal bonds, and K.S.A. 12-110c provides procedures whereby general obligation bonds may be issued for such purposes; and

WHEREAS, The said City of Garnett desires to proceed immediately to submit this proposition to the electorate for consideration.

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

SECTION 1: That it is hereby found, determined, and declared to be advisable that the City of Garnett, Kansas acquire additional fire-fighting equipment for its Municipal Fire Department; and that such equipment should consist of:

One (1) pumper truck of a capacity of 1,000 gallons per minute;

One (1) 50 foot telescopic water tower, remote controlled, commonly called "Tele-Squirt", mounted upon a suitable truck chasis;

Fire apparatus to equip new truck, including, but not limited to, hoses, nozzles, fittings, ladders, and handtools;

Building to house motorized equipment.

SECTION 2: The total cost of all such equipment shall not exceed $150,000.00 and the cost of the same shall be paid by the issuance of municipal bonds (general obligation) of the City of Garnett, Kansas, not to exceed said sum of $150,000.00 as provided and authorized by K.S.A. 12-110c.

SECTION 3: Pursuant to said statute and pursuant to the provisions of K.S.A. 10-120, this matter shall be submitted directly to the legal, qualified electors of the said City of Garnett, Kansas, at the City Election of April 4, 1978, the same occurring within ninety (90) days of the effective date of this Ordinance, the following special questions, to-wit:

Proposition #1:
Shall the City of Garnett, Kansas issue its Municipal Bonds (General Obligation), in an amount not to exceed One Hundred Thousand Dollars ($100,000.00), for the purpose of purchasing the following fire-fighting equipment, to-wit:

One (1) pumper truck of a capacity of 1,000 gallons per minute;

Fire apparatus to equip new truck, including, but not limited to, hoses, nozzles, fittings, ladders, and handtools;

Building to house motorized equipment;

all as provided by K.S.A. 12-110c.

Proposition #2:
Shall the City of Garnett, Kansas issue its Municipal Bonds (General Obligation), in an amount not to exceed Fifty Thousand Dollars ($50,000.00), for the purpose of purchasing the following fire-fighting equipment, to-wit:

One (1) 50 foot telescopic water tower, remote controlled, commonly called "Tele-Squirt", mounted upon a suitable truck chasis, together with necessary fire apparatus to equip said truck;

all as provided by K.S.A. 12-110c.

SECTION 4: Said election shall be conducted by the County Election Officer pursuant to K.S.A. 25-2110 and due notice thereof given as provided by law; and appropriate City officials are directed to prepare and execute all necessary documents therefor. The ballot for such proposition shall be in accordance with K.S.A. 10-120 and with the provisions of this Ordinance.

SECTION 5: 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 8th day of March, 1978.

Edward J. Toomey
Mayor

ATTEST:

Joyce E. Martin
City Clerk

(First published in The Anderson Countian, March 9, 1978)

PROCLAMATION AND CALL FOR SPECIAL BOND ELECTION

AND JOINT NOTICE THEREOF

The qualified electors of the City of Garnett, Kansas, are hereby notified that there will be a special bond election held in said City at the same time and at the same voting places as the General Election on the 4th day of April, 1978, at which time and place there shall be submitted to the said qualified electors the following propositions, to-wit:

Proposition #1:

SHALL THE FOLLOWING BE ADOPTED?

Shall the City of Garnett, Kansas issue its Municipal Bonds (General Obligation), in an amount not to exceed One Hundred Thousand Dollars ($100,000.00), for the purpose of purchasing the following fire-fighting equipment, to-wit:

One (1) pumper truck of a capacity of 1,000 gallons per minute;

Fire apparatus to equip new truck, including, but not limited to, hoses, nozzles, fittings, ladders, and handtools;

Building to house motorized equipment;

all as provided by K.S.A. 12-110c.

To vote in favor of the bonds, make a cross (x) mark in the square after the word "YES". To vote against the bonds, make a cross (x) mark in the square after the word "NO".

YES. . . . . ☐
NO . . . . . ☐

Proposition #2:

SHALL THE FOLLOWING BE ADOPTED?

Shall the City of Garnett, Kansas issue its Municipal Bonds (General Obligation), in an amount not to exceed Fifty Thousand Dollars ($50,000.00), for the purpose of purchasing the following fire-fighting equipment, to-wit:

One (1) 50 foot telescopic water tower, remote controlled, commonly called "Tele-Squirt", mounted upon a suitable truck chasis, together with necessary fire apparatus to equip said truck;

all as provided by K.S.A. 12-110c.

To vote in favor of the bonds, make a cross (x) mark in the square after the word "YES". To vote against the bonds, make a cross (x) mark in the square after the word "NO".

YES. . . . . ☐
NO . . . . . ☐

The vote shall be by ballot in a form prescribed by law, upon which the foregoing propositions and voting instructions shall be printed. The polls will be open for voting between the hours of 7:00 a.m. and 7:00 p.m. inclusive of said day and the voting places shall be as follows:

First Ward: United Brethren Church Hall, Second & Pine

Second Ward: Christian Church, Second & Walnut

Third Ward: Fire Room, City Hall, 131 West Fifth

Fourth Ward: Southwest Corner Basement, Courthouse.

Done and publicly proclaimed by the Mayor of the City of Garnett, Kansas, on this the 8th day of March, 1978.

_____
Mayor

A T T E S T:

_____
City Clerk

This Notice executed and given this 8th day of March, 1978.

_____
County Election Officer

ORDINANCE NO. 2440

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

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

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

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

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

Section 1. That all unpaid utility bills shown on the attached list in the amount of $1,038.97, incurred through December 31, 1977 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 22nd day of March, 1978.

Edward J. Toomey, Mayor

Attest:

Joyce E. Martin, City Clerk

Attachment to Ordinance No. 2440

1977

Vincent Fanelli	$ 5.96
Willard Webb	41.47
Shirley Hamm	201.24
J. R. Watkins	39.49
Juanita Burris	2.43
Ronald L. Badders	39.47
Tom Sennott	66.54
Michael Pellett	121.41
Milton Yeager	147.16
Barbara Fagg	56.21
Barbara Head	3.69
Joe Carver	3.58
Wayne Mauk	31.20
Janet Amy	56.36
Steven Sherrod	37.29
Lawrence Wright	25.20
Lonnie Comstock	102.86
Badders Auto Sales	57.41
	$1,038.97

ORDINANCE NO. 2442

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF $50,000.00 OF MUNICIPAL GENERAL OBLIGATION BONDS FOR IMPROVING AND REPAIRING THE MUNICIPAL SWIMMING POOL AND IMPROVING A CERTAIN BASEBALL PLAYING FIELD IN THE MUNICIPAL PARK SYSTEM.

WHEREAS, the Governing Body of the City of Garnett, Kansas, did, on the 26th day of January, 1977, pass and adopt Ordinance No. 2389 wherein it was found and determined to be necessary to make improvements to parts of its municipal park system, to-wit: improvements and repairs to the municipal swimming pool and improvements to a certain baseball playing field, the total cost of such improvements being estimated at $50,000.00; and,

WHEREAS, said Ordinance No. 2389 did provide that at the city election to be held on the 5th day of April, 1977, the following question be submitted to the voters of said city:

"Shall the following be adopted?

"Shall the City of Garnett, Kansas, issue its municipal bonds (general obligation) in an amount not to exceed $50,000.00 for the purpose of improving and repairing the municipal swimming pool and improving a certain baseball playing field, commonly called Diamond No. 3, North Park?"

and,

WHEREAS, notice of said city's special election was duly published as provided by law in the Anderson Countian, the official city newspaper, and a weekly newspaper printed in the state of Kansas and of general circulation in Anderson county, Kansas; which said notice was published for three (3) consecutive weeks, with the first publication being on the 10th day of March, 1977; and,

WHEREAS, said election was duly and regularly held on the 5th day of April, 1977, and a majority of the votes cast on such question submitted were in the affirmative and in favor of such proposition; and,

WHEREAS, the Governing Body of the said city now deems and does declare it is necessary and advisable to issue and provide for the issuance of Municipal Park General Obligation Bonds of the said City of Garnett, Kansas in an amount of $50,000.00 for the purposes aforesaid.

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

Section 1. It is hereby found, deemed, declared and determined to be necessary and desirable to make improvements and repairs to the Garnett Municipal Park system; specifically, improvements and repairs to the municipal swimming pool and improvements to a certain baseball playing field, commonly called Diamond No. 3, North Park, and that for the purpose of providing funds with which to pay a portion of the cost of said improvements and repairs to the municipal swimming pool and all of the costs of the improvements to the baseball playing field, there shall be issued and hereby are authorized to be issued general obligation bonds of the City of Garnett, Kansas, in the total principal amount of FIFTY THOUSAND DOLLARS ($50,000.00) as authorized by K.S.A. 12-1302.

Section 2. The said bonds shall be designated "Municipal Park General Obligation Bonds, Series A, 1978" and shall consist of fifty (50) bonds, each of ONE THOUSAND DOLLAR ($1,000.00) denomination and dated May 1, 1978. All bonds shall bear interest at the rate of 6 % per annum, payable semi-annually, beginning on the 1st day of November, 1978, and semi-annually thereafter on the first days of May and November of each year after issue until fully paid, principal and interest payable at the office of the Treasurer of the State of Kansas in the City of Topeka, Kansas. Said bonds shall become due, serially, as follows, to-wit:

Number	Amount	Maturity
1 to 5, incl.	$5,000.00	May 1, 1979
6 to 10, incl.	5,000.00	May 1, 1980
11 to 15, incl.	5,000.00	May 1, 1981
16 to 20, incl.	5,000.00	May 1, 1982
21 to 25, incl.	5,000.00	May 1, 1983
26 to 30, incl.	5,000.00	May 1, 1984
31 to 35, incl.	5,000.00	May 1, 1985
36 to 40, incl.	5,000.00	May 1, 1986
41 to 45, incl.	5,000.00	May 1, 1987
46 to 50, incl.	5,000.00	May 1, 1988

Section 3. The said bonds shall be signed by the Mayor and attested by the City Clerk and shall have the corporate seal of the City affixed thereto and the interest coupons shall be printed in accordance with law and shall bear facsimile signatures of the Mayor and City Clerk. Each bond and the interest coupons thereon shall contain recitals as required by the laws of the State of Kansas.

Section 4. Each of said bonds, interest coupons thereon, and the certificates attached thereto shall be in substantially the following form:

No. _____ $1,000.00

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF ANDERSON
CITY OF GARNETT
MUNICIPAL PARK GENERAL OBLIGATION BOND
SERIES A, 1978

KNOW ALL MEN BY THESE PRESENTS: That the City of Garnett, Anderson County, Kansas, for value received, hereby acknowledges itself to be indebted to and promises to pay the bearer the sum of

ONE THOUSAND DOLLARS

in lawful money of the United States of America on the first day of May, 19__, with interest thereon from the date hereof at the rate of 6 per cent per annum; the first interest coupon being due and payable on November 1, 1978, and semi-annually thereafter on the first days of May and November of each year until said principal sum shall have been paid, upon presentation and delivery of proper interest coupons hereto annexed as said coupons severally become due. Both principal and interest on this bond are payable at the office of the Treasurer of the State of Kansas in the city of Topeka, Kansas. The said City of Garnett, Anderson County, Kansas, is held and firmly bound by these presents and the full faith, credit and resources of said City are hereby irrevocably pledged for the prompt payment of said principal and interest at maturity.

This bond is one of a series of fifty (50) bonds aggregating FIFTY THOUSAND DOLLARS ($50,000.00) of like date, denomination, tenor and effect, except as to maturity date, numbered from one (1) to fifty (50), both inclusive, and designated as "Municipal Park General Obligation Bond, Series A. 1978", issued by Garnett, Anderson County, Kansas, for the purpose of providing funds to pay a portion of the cost of improvements and repairs to the municipal swimming pool and all of the cost of improvements to a certain baseball playing field by the authority of and in full conformity with the provisions, restrictions and limitations of the Constitution and Laws of the State of Kansas, including, specifically, K.S.A. 12-1302, pursuant to Ordinance No. 2442 adopted May 1, 1978, and this bond and all other bonds of said series are to be paid by Garnett, Anderson County, Kansas.

This bond and all other bonds of said issue are negotiable and shall in the hands of bona fide holders have all the qualities of negotiable instruments under the Uniform Commercial Code of the State of Kansas. This bond and all other bonds of said issue have been duly registered in the office of City Clerk of Garnett, Kansas, and in the office of the Treasurer of the State of Kansas, in accordance with the forms of registry certificates on the back hereof.

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 form as required by the Constitution and Laws of the State of Kansas, and that the total indebtedness of Garnett, Anderson County, Kansas, including this series of bonds, does not exceed any constitutional or statutory limitations.

IN WITNESS WHEREOF, Garnett, Anderson County, Kansas, has caused this bond to be signed by the Mayor, attested by its clerk, and its corporate seal affixed to the same, and the coupons hereto attached to be signed with the facsimile signatures of said Mayor and City Clerk, and this bond to be dated this 1st day of May, 1978.

_____
Mayor

ATTEST:

_____
City Clerk

(On the reverse side:)

CITY CLERK'S CERTIFICATE

STATE OF KANSAS, COUNTY OF ANDERSON, SS:

I, the undersigned, City Clerk of the City of Garnett, Kansas, do hereby certify that the within Municipal Park General Obligation Bond, Series A, 1978, of the City of Garnett, Kansas, has been duly registered in my office according to law.

WITNESS my hand and official seal this _____ day of May, 1978.

_____
City Clerk

(seal)

STATE TREASURER'S CERTIFICATE

STATE OF KANSAS, COUNTY OF SHAWNEE, ss;

I, _____, 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 _____ day of May, 1978.

WITNESS my hand and official seal this _____ day of May, 1978.

_____
Treasurer of the State of Kansas

By_____
Assistant Treasurer of the State of Kansas

(Form of Interest Coupon to be attached to Bond)

Coupon NO. _____

November (or May) 1, 19__

City of Garnett, Kansas

$ 30.00

On the 1st day of November, (or May) 19__, the City of Garnett, Kansas, will pay bearer

THIRTY DOLLARS ($30.00)

in lawful money of the United States of America, at the office of the State Treasurer, Topeka, Kansas, being six months interest on its Municipal Park General Obligation Bond dated May 1, 1978, Series A 1978.

/s/Edward J. Toomey (facsimile)
Mayor

ATTEST:

/s/Joyce E. Martin(facsimile)
City Clerk

Section 5. When executed by the Mayor, attested and sealed by the City Clerk, ~~countersigned by the City Clerk after state registration~~ and registered as herein directed, said bonds shall import absolute verity and shall be conclusive in favor of all persons purchasing said bonds of the fact that all conditions precedent have been had, performed and exist in proper form to authorize issuance thereof.

Section 6. The Mayor and City Clerk of Garnett, Kansas, are hereby authorized and directed to prepare and execute the bonds hereinbefore described and to procure proper registration thereof and when duly executed and registered to deliver said bonds to the purchasers upon payment of the purchase price. The proceeds from the sale of said bonds shall be used solely for the purpose of paying a portion of the actual and necessary cost of making improvements and repairs to the municipal swimming pool and all of the actual and necessary cost of making improvements to that certain baseball playing field commonly called and known as Diamond No. 3, North Park, within said city's municipal park system, as hereinbefore specified.

Section 7. The Governing Body of the City of Garnett, Kansas, shall annually make provision for the payment of the principal and interest of said bonds as the same become due by the levy and collection of the necessary taxes therefor, said taxes to be assessed, levied and collected as other taxes against all taxable property contained within the said City of Garnett, Anderson County, Kansas.

Section 8. 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 1st day of May, 1978.

Edward J. Toomey
Mayor

ATTEST:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2443

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF $70,000.00 OF POOL REVENUE BONDS OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF REPAIRING AND IMPROVING THE GARNETT MUNICIPAL SWIMMING POOL, A UTILITY.

WHEREAS, The City of Garnett, Kansas, is a municipality as defined by K.S.A. 10-101; and

WHEREAS, The said City is the operator and owner of a certain utility, namely the Garnett Municipal Swimming Pool, and is by the laws of the State of Kansas authorized to issue general obligation bonds for the acquisition, construction, reconstruction, repair, extension, or enlargement of such utility; and

WHEREAS, The City can issue general obligation bonds for the improvement of such utility and accordingly is authorized by K.S.A. 10-1202 to issue revenue bonds for the same purposes; and

WHEREAS, It is necessary to undertake certain repairs and improvements upon said swimming pool and to finance a part thereof by the issuance of revenue bonds in an amount not to exceed $70,000.00; and

WHEREAS, A notice of the intention of the said City to make such repairs and improvements and to pay for the same by the issuance of said revenue bonds was duly and regularly given by publication in the official City newspaper on the 13th day of April, 1978, and no written protests against the improvements or the issuance of said revenue bonds were filed with the City Clerk within fifteen (15) days thereafter, all as provided by law; and

WHEREAS, The Governing Body of the said City now deems and does declare it is necessary and advisable to authorize and provide for the issuance of Pool Revenue Bonds of the said City of Garnett in an amount of $70,000.00 for the purpose of paying for a part of such repairs and improvements.

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

SECTION 1: That it is necessary to carry out repairs and improvements of the Garnett Municipal Swimming Pool in accordance with the plans, specifications, and estimate on file with and in the office of City Clerk of the City of Garnett and as approved by this Governing Body.

SECTION 2: That there shall be and there are hereby authorized and directed to be issued negotiable Pool Revenue Bonds of the City of Garnett, Kansas, in the aggregate principal sum of $70,000.00 for the purpose of providing a part of the funds to repair and improve such pool by the installation of new plumbing and filter equipment, re-lining pool with gunite shell, removal and replacement of fence, deck, and electrical lights, and the principal and interest on said Pool Revenue Bonds in the sum of $70,000.00 are to be paid by the City of Garnett, Kansas, solely from revenues derived from the operation of its Municipal Swimming Pool and the rents, fees, and charges collected for the use thereof and services therefrom and not from any other fund or source.

SECTION 3: Said Pool Revenue Bonds shall be dated on the 1st day of April, 1978, and shall be in the denomination of $1,000.00 each. They shall be numbered from 1 to 70 inclusive, and shall mature and bear interest as set forth in the following schedule, to-wit:

Numbers	Maturity Date	Amount	Interest
1 - 3	10-1-1978	3,000.00	
4 - 6	10-1-1979	3,000.00	
7 - 9	10-1-1980	3,000.00	
10 - 12	10-1-1981	3,000.00	
13 - 15	10-1-1982	3,000.00	
16 - 18	10-1-1983	3,000.00	
19 - 21	10-1-1984	3,000.00	
22 - 24	10-1-1985	3,000.00	
25 - 27	10-1-1986	3,000.00	
28 - 30	10-1-1987	3,000.00	
31 - 34	10-1-1988	4,000.00	
35 - 38	10-1-1989	4,000.00	
39 - 42	10-1-1990	4,000.00	
43 - 46	10-1-1991	4,000.00	
47 - 50	10-1-1992	4,000.00	
51 - 54	10-1-1993	4,000.00	
55 - 58	10-1-1994	4,000.00	
59 - 62	10-1-1995	4,000.00	
63 - 66	10-1-1996	4,000.00	
67 - 70	10-1-1997	4,000.00	

Said bonds and interest coupons to be attached thereto as hereinafter provided, shall be payable in lawful money of the United States of America, and interest shall be payable on October 1, 1978, and semi-annually thereafter on the 1st days of April and October in each year until the principal sum and interest thereon shall be paid. Said bonds shall be signed by the Mayor and attested by the City Clerk and shall have the corporate seal of the City affixed thereto and the interest coupons shall be printed according to law and shall bear facsimile signatures of the Mayor and City Clerk and said bonds and interest coupons shall be in substantially the following form, to-wit:

No. _____ $ 1,000.00

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF ANDERSON

CITY OF GARNETT
POOL REVENUE BOND
SERIES 1978

KNOW ALL MEN BY THESE PRESENTS: That the City of Garnett, Anderson County, Kansas, is indebted to and promises to pay the bearer the sum of

ONE THOUSAND DOLLARS

in lawful money of the United States of America, on the 1st day of October, 19__, with interest thereon at the rate of _____ per cent (%) per annum, payable October 1, 1978, and thereafter semi-annually on the 1st days of April and October of each year, upon presentation and delivery of proper coupons hereto annexed, bearing the facsimile signatures of the Mayor and City Clerk of said City. Both principal and interest of this bond are payable solely out of the special revenue fund hereinafter referred to, at the office of the State Treasurer in the City of Topeka, Kansas.

THIS BOND is one of a series of bonds numbered from one (1) to seventy (70) inclusive, aggregating Seventy Thousand Dollars ($70,000.00) of like date, amount, tenor, effect, and interest rate, except as to number and maturity, issued by the City of Garnett, Kansas, for the purpose of providing funds to pay for the cost of improving and repairing the City's Municipal Swimming Pool Utility and is issued under the authority of and in conformity with provisions, restrictions, and limitations of the Constitution and laws of the State of Kansas; including Chapter 10, Article 12, K.S.A., specifically K.S.A. 10-1201, et seq., and any amendments thereto, the proceeds of the said bonds to be applied solely to the payment of a part of the cost of improving the Municipal Swimming Pool Utility of said City. All terms and conditions of security for and the payment of and redemption of bonds of this issue are subject to the provisions of Ordinance No. _____ of the City of Garnett, Kansas, under which these bonds are issued.

The principal and interest of this bond and all other bonds of the said issue are hereby made a lien on the revenue produced from the said Municipal Swimming Pool and are to be paid solely and only from a separate and special fund identified as Pool Revenue Fund into which there are to be paid from the revenues derived from the rates, fees, and charges for the use thereof and for all services rendered by the Municipal Swimming Pool and collected by said City from the operation of said Pool as the same now exists, or may hereafter be improved and extended, sums sufficient to make such payments when due, after deduction only of reasonable operation and maintenance expenses, and providing for an adequate depreciation fund.

Such bonds shall not be payable from any other fund or source and the City shall not be obligated to pay said bonds or the interest thereon, except from said special fund, and neither this bond, nor the issue of which it forms a part, shall in any respect constitute a general obligation of said City.

The City covenants that it will fix, maintain, and collect an aggregate of rates, fees, and charges for the use of the Municipal Swimming Pool Utility, which shall be sufficient to pay the cost of reasonable operation and maintenance of said Pool, to provide an adequate depreciation fund, and to create and maintain the sinking fund required for the payment of this issue of bonds, including the special account provided for in Ordinance No. _____, and that the City will, in all other respects, faithfully comply with all the provisions of K.S.A. 10-1201, et seq., and any amendments thereto, and the Ordinance under which this bond is issued.

THIS BOND and all other bonds of said issue are negotiable and shall, in the hands of *bona fide* holders, have all the qualities of negotiable instruments under the applicable laws of the State of Kansas. This bond and all other bonds of said issue have been duly registered in the office of the Clerk of the City of Garnett, Kansas, and in the office of the Treasurer of the State of Kansas, in accordance with the forms of registry certificates on the back hereof.

IT IS HEREBY CERTIFIED AND RECITED 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.

IN WITNESS WHEREOF, The City of Garnett, Anderson County, Kansas, by its Governing Body, has caused this bond to be signed by the Mayor and attested by the City Clerk and the coupons hereto attached to be signed with the facsimile signatures of said officers and this bond is to be dated as of the 1st day of April, 1978.

_____
Mayor

A T T E S T:

_____
City Clerk

SEAL

No. _____

On the 1st day of October (or April), 19____, the City of Garnett, Kansas, will pay bearer, solely from the revenues derived by said City from the rates, fees, or charges collected by said City from the operation of its Municipal Swimming Pool Utility and not from any other fund or source,

October (or April) 1

19____

City of Garnett,

Kansas

$_____

in lawful money of the United States of America, at the office of the State Treasurer, Topeka, Kansas, being six months' interest on its Pool Revenue Bond dated April 1, 1978, Series 1978.

/s/ Edward J. Toomey [facsimile]
Mayor

ATTEST:

/s/ Joyce E. Martin [facsimile]
City Clerk

CITY CLERK'S CERTIFICATE

STATE OF KANSAS, COUNTY OF ANDERSON, ss:

I, the undersigned, City Clerk of the City of Garnett, Kansas, do hereby certify that the within Pool Revenue Bond, Series of 1978, of the City of Garnett, Kansas, has been duly registered in my office according to law.

WITNESS my hand and official seal this _____ day of May, 1978.

(Seal)

City Clerk

STATE TREASURER'S CERTIFICATE

STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

I, _____, 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 _____ day of May, 1978.

WITNESS my hand and official seal this _____ day of _____, 1978.

Treasurer of the State of Kansas

(Seal)

By: _____
Assistant Treasurer of the State of Kansas

Said bonds shall be registered by the City Clerk in his office and by the Treasurer of the State of Kansas, as required by law.

When thus executed by the Mayor and City Clerk, registered as herein directed, and subsequently countersigned by the City Clerk, said bonds shall import absolute verity and shall be conclusive in favor of all persons purchasing said bonds of the fact that all conditions precedent have been had and performed and exist in proper form to authorize the issuance thereof.

SECTION 4: From and after the completion of the said Municipal Swimming Pool improvements and repairs, all income and revenues derived in any manner from the operation of such pool utility shall be paid into the treasury of the City of Garnett, Kansas, and placed in the special fund to be described and known as "Pool Revenue Fund", which shall be hereinafter referred to as "The Fund". Such revenue so placed in The Fund shall be disbursed and set aside as follows, to-wit:

(a) The cost of maintenance and operation of the Municipal Swimming Pool Utility shall first be paid from moneys accumulated in The Fund.

(b) There shall be then paid from The Fund into an account designated as the Pool's Bond and Interest Account an amount of money equal to the current year's principal and interest requirements of these revenue bonds. Provided further that any or all proceeds from these revenue bonds not needed for actual repairs and improvements of the said Municipal Swimming Pool shall be placed in this account.

Payments shall be made into this Bond and Interest Account beginning with the 1978 useage season of the municipal swimming pool, such that each July 1st, August 1st and September 1st one-third (1/3) of the next two (2) interest payments and the one (1) next principal payment are met.

(c) Extra funds not immediately needed may be invested in obligations of the United States Government, in any municipal bonds of the State of Kansas or municipality thereof, certificates of deposit in any bank or savings and loan having the form of deposit insurance offered by the Federal Government. Provided further that said funds may be invested in maturities of not more than one year prior to accumulating the total required amount in said funds.

(d) Revenue bonds issued under this Ordinance shall have preference in payment over any other municipal bonds issued for improvements or repairs of the Municipal Swimming Pool subsequent to the passage of this Ordinance.

SECTION 5: While any of the bonds herein authorized remain outstanding, the rates, fees, and charges for the use of and for services rendered by the Municipal Swimming Pool shall be reasonable and just and subject to the limitations in this Ordinance provided; and it is hereby covenanted and agreed that such rates, fees, and charges will be sufficient to provide for the payment of interest upon the principal of all bonds issued hereunder which are outstanding and unpaid as and when the same shall become due and payable and to provide for the payment of the expenses of operating and maintaining and improving the said Swimming Pool in such manner as may be necessary to preserve the same in good repair and working order and to build up a reserve for depreciation of said pool. No services or other facilities afforded by the said pool shall be furnished to any user without a reasonable charge being made therefor.

SECTION 6: The City hereby covenants and agrees that it will faithfully and punctually perform all duties with respect to the said Garnett Municipal Swimming Pool required by the Constitution and laws of Kansas and by this Ordinance, including the fixing and collecting of rates, fees, and charges and depositing the same in the special fund created by this Ordinance as above specified; and the City covenants and binds itself not to sell, mortgage, lease, or rent, or in anywise to dispose of said utility or any substantial part thereof until the principal of and interest upon all bonds herein authorized shall have been paid in full, or unless and until provisions shall have been made for the payment of the full amount of such principal and interest on all bonds then remaining outstanding and unpaid, and the City will continuously maintain and operate said Swimming Pool Utility.

SECTION 7: The City will carry and maintain such a reasonable amount of all risk insurance as would be carried by a privately owned utility performing the same functions, insofar as the property is of an insurable nature. In the event of loss or damage, the City will use the proceeds of such insurance to reconstruct or replace the property damaged or destroyed, or if such reconstruction or replacement be unnecessary, then such proceeds shall be used in redeeming or paying off outstanding revenue bonds of this issue in accordance with the laws of the State of Kansas and the terms of this Ordinance. The City will also carry public liability insurance and workmen's compensation insurance in such amounts as would normally be carried by a private corporation engaged in a similar type of business. The cost of such insurance shall be paid as an operating expense of the utility.

SECTION 8: As long as any of the bonds herein authorized are outstanding, the City shall keep proper, separate books of record and accounts in which complete and correct entries shall be made, showing all revenues collected for services by said utility and all sums expended in the operation thereof, and all sums deposited in the accounts above-mentioned and all disbursements, transfers, and transactions relating to said utility and shall annually cause an audit to be made of the operation thereof, which audit shall be open to public inspection and the City shall also prepare an annual budget in it customary form, estimating the amounts of insurance being carried and to be carried. Copies of both the budget and the audit will be furnished to any holder of Pool Revenue Bonds on request. If the audit shall disclose that proper provision has not been made for carrying out and complying with all the requirements hereinabove set forth, then the City shall promptly proceed to cause to be cha ged and collected rates, fees, and charges which will provide adequate funds to meet all such requirements. The books and accounts shall be kept in accordance with standard accounting procedures and the audit shall include the following information:

(a) A classified statement of the gross revenues received, the expenditures for operation and maintenance, the expenditures for all other purposes, the net operating revenues and the amount of any capital expenditures made from such revenues during the year.

(b) A complete balance sheet of the fiscal year's operations, particularly indicating the amount of funds set aside for the accounts hereinabove provided.

(c) A statement showing the profit and loss for the year.

(d) A statement showing all bonds which have been called, purchased, matured or paid during the year and a statement of all interest paid during the year.

(e) A statement of the number of customers served at the end of the year.

(f) A statement of the insurance carried on the properties showing the names of the insurers, the expiration dates of the policies, and the premiums thereon.

(g) A statement by the auditor of any recommendations suggested as to any financial procedures and accounting practices employed by the City. Such audit shall be completed within 75 days after the completion of the City's fiscal year.

The budget shall contain normal budgetary items, including:

(1) An estimate of the receipts during the next ensuing fiscal year.

(2) A statement of the estimated cost of operating the Garnett Municipal Swimming pool.

(3) A statement of any anticipated unusual expenses during the next fiscal year.

(4) A statement of any necessary replacements which may be anticipated during the next fiscal year.

(5) A statement of the amount of principal and interest to be paid on outstanding bonds, either general obligation or revenue bonds, during the next fiscal year.

(6) A statement of the total estimated expenditures to be made from the Swimming Pool Utility revenues during the next fiscal year.

SECTION 9: This Ordinance shall constitute a contract between the City and the holders from time to time of said Pool Revenue Bonds and the holder of any one or more of said bonds may, by suit, action, mandamus, injunction, or other proceedings, either at law or in equity, enforce or compel performance of all duties and obligations required by the City by this Ordinance or by the terms of said bonds.

SECTION 10: Provided that the City shall not be required to comply with any of the requirements provided for in this Ordinance, on the bonds provided for by this Ordinance has been retired by payment.

SECTION 11: This Ordinance shall take effect and be in force from and after its publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED This 1st day of May, 1978.

Edward J. Toomey
Mayor

ATTEST:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2444

AN ORDINANCE GRANTING PERMISSION AND APPROVING THE CHANGE IN FRONTAGE IN BLOCKS FIVE (5), SIX (6), AND SEVEN (7) OF THE BAILEY ORCHARD PARK ADDITION, REVISED 1977, TO GARNETT AND APPROVING REVISION OF THE PLAT OF THE SAME.

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

SECTION 1: That the 1978 revision to the original plat of Bailey's Orchard Park Addition to Garnett and the 1977 revision thereof, both of said plats now being on file in the Office of the Register of Deeds, Anderson County, Kansas, is hereby approved and allowedas prayed in the Petition of the owners of said blocks; said 1978 revision being a change of frontage of several of the lots within said blocks, and for the further reason to correct a survey error in the original plat and perpetuated in the 1977 revision.

SECTION 2: The form of the Plat incorporating said changes as submitted by the petitioners, shall be known as "Bailey's Orchard Park Addition (Revised 1978) to the City of Garnett, Anderson County, Kansas, and the City Clerk is hereby directed to certify to the Register of Deeds of Anderson County, Kansas, the fact of the passage of this Ordinance and such revised plat.

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 10th day of May, 1978.

Dale Lybarger Pro-Tem
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. #2446

AN ORDINANCE AMENDING TITLE 6, CHAPTER 9, SECTION 5 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, RELATING TO THE POSSESSION, SALE, AND DETONATION OF CERTAIN EXPLOSIVES; REPEALING EXISTING SECTION.

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

SECTION 1: Title 6, Chapter 9, Section 5 of the Municipal Code is hereby amended to read as follows:

> 6-9-5: ILLEGAL 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-80's, cherry bombs, bulldog salutes, skyrockets, tubular salutes, repeating bombs, aerial bombs, torpedos, 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 2: Title 6, Chapter 9, 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 publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED This 24th day of May, 1978.

Edward Toomay
Mayor

A T T E S T:

Joyce E. M
City Clerk

ORDINANCE NO. 2447

AN ORDINANCE VACATING A PART OF PINEWAY 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 Washington Street lying between and adjacent to Blocks Three (3) and Four (4) of Pineway Addition to the City of Garnett, Kansas, said strip being 50 feet in width north and south and running the full width of said blocks, a distance of 525 feet more or less in an east-west direction;

be vacated as a public street; which said Pineway Addition was duly platted and the said plat being recorded in the Plat Book, Office of Register of Deeds, Anderson County, Kansas, on the 5th day of March, 1956, at 4:00 p.m.

SECTION 2: That the area covered by the entirety of Blocks Three (3) and Four (4) 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 the said public street in the office of City Clerk, City Hall, 131 West Fifth Avenue, Garnett, Kansas, and unless a written protest is filed within the said thirty (30) day period, this Ordinance shall become effective.

SECTION 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 The Anderson Countian, the 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 24th day of May, 1978.

Edward G. Rooney
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

I certify that this is a true and accurate copy of Ordinance #2447.

Joyce E. Martin
City Clerk

REQUEST TO VACATE A PART OF WASHINGTON STREET

TO THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

The undersigned, as owners of all of Blocks Three(3) and Four (4) and the equitable interest therein, of Pineway Addition to the City of Garnett, Kansas, respectfully request this Honorable Governing Body to vacate all of that part of Washington Street lying between and adjacent to said two (2) blocks.

The undersigned respectfully state that they are proposing an addition to the existing nursing home facility upon Block Four (4) of said Addition and it will encroach upon and be situate over a part of said segment of Washington Street; and that such part of Washington 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.

Robert E. McLeod
Robert E. McLeod

Patricia A. McLeod
Patricia A. McLeod

Larry G. Curry
Larry G. Curry

Deborah A. Curry
Deborah A. Curry

Harry L. Jackson
Harry L. Jackson

Mary K. Jackson
Mary K. Jackson

Mayor

A T T E S T:

Joyce E. Martin
City Clerk

I certify that this is a true and accurate copy of Ordinance #2447.

Joyce E. Martin
City Clerk

C E R T I F I C A T E

I, Joyce E. Martin, Clerk of the City of Garnett, Anderson County, Kansas, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2447 of the said City of Garnett, as the same was passed and approved May 24, 1978, by the City Commission at their regular meeting and duly signed by Edward J. Toomey, Mayor; that the same was published in full in The Anderson Countian, the official City newspaper, on June 1, 1978.

I further certify that more than thirty (30) days have passed since said publication, and that no written protest or notice of such protest as provided by Section 3 of said Ordinance and further provided by the laws of the State of Kansas has been made; and that the above and foregoing Ordinance is in full force and effect.

Dated this 7 day of July, 1978.

Joyce E. Martin
City Clerk

(Published in The Anderson Countian, Thursday, July 13, 1978)

ORDINANCE NO. 2449

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 $400,000 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 requirements 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 by the Board of Commissioners and signed by the Mayor this 12th day of July, 1978.

Edward J. Toomey
Mayor

ATTEST:

Joyce E. Martin
City Clerk

(Published in The Anderson Countian, Thursday, July 13, 1978)

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 $400,000 TO BE PAID FOR BY THE ISSUANCE OF REVENUE BONDS NOT IN EXCESS OF SAID COST.

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 $400,000 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. 2449 passed by the Board of Commissioners and signed by the Mayor of the City of Garnett, Kansas on July 12, 1978.

If within fifteen 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.

Edward L. Toomey
Mayor

ATTEST:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2450

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 Cleveland 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 improvements generally are advisable, but that such improvements should be as specified by the State Department of Transportation and previously approved for such project, and that specifically the nature and estimated cost of such improvements are advisable and are hereby approved as follows, to-wit:

Improve Cleveland Street for a distance of approximately 0.49 miles, running north and south, the same being the entire distance of said Cleveland Street from its intersection with Fourth Avenue to K-31 Highway within said City, including to renew and regrade the base of said street, the installation of proper storm sewer drainage network, and the installation of a new paved surface either of Portland cement or bituminous asphaltic cement--plant mix, all according to the plans and specifications prepared and approved by the State Department of Transportation, Urban Highways Department, and under the terms of the Safer Off System, Federal Highway Project Standards; the maximum estimated project cost is $ 200,000.0

Copies of such plans and specifications are on file with the Kansas Department of Transportation and with the City Clerk, City Hall, Garnett, Kansas.

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

Lots 1 through 9, inclusive, of Westwood Acres Addition to the City of Garnett;
The following-described lots and blocks of what was formerly Orchard Park Addition, the same being a part of the Northeast Quarter (NE¼) of Section 25, Township 20 South, Range 19 East, Anderson County, Kansas, to-wit: Lot 201, Block 22; Lots 101 through 135, odd, both numbers inclusive, Block 21; Lots 101 through 135, odd, both numbers inclusive, Block 8; Lots 201 through 235, odd, both numbers inclusive, Block 7; Lots 200 through 234, even, both numbers inclusive, Block 6; Lots 100 through 134, even; both numbers inclusive, Block 9; Lots 100 through 134, even; both numbers inclusive, Block 20; Lots 200 through 234, even, both numbers inclusive, Block 23; Lots 300 through 322, even, both numbers inclusive, Block 34; all of Lot 1022; and all vacated streets and alleys adjacent to or abutting any of the above-described lots and blocks within said Orchard Park Addition, Anderson County, Kansas.

SECTION 4: It is found that the City of Garnett's share of the cost of this project is thirty per cent (30%) of the estimated maximum project cost or $60,000.00, the remaining seventy per cent (70%) of such estimated project cost being paid by or through the State of Kansas Department of Transportation. Of the estimated $60,000.00 to be paid by the City of Garnett it is found and determined that sixty per cent (60%) thereof shall be paid from discretionary funds otherwise available to the City of Garnett for such purposes and forty per cent (40%) of the City's said share 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 street to be improved, Cleveland Street 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 Anderson Countian, the official City newspaper.

PASSED and APPROVED This 20th day of July, 1978.

Mayor

ATTEST:

Joyce E. Martin
City Clerk

I, Joyce E. Martin, City Clerk of the City of Garnett, Kansas do hereby certify that this is a true and accurate copy of Ordinance #2450, passed and approved July 20, 1978.

DEC 12 1978

Joyce E. Martin, City Clerk

Book 9 Page 246-A

ORDINANCE NO. 2451

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF GARNETT, KANSAS TO FINANCE A PART OF THE STREET IMPROVEMENTS IN THE CLEVELAND STREET IMPROVEMENT DISTRICT 1978, UNTIL SUCH TIME AS BONDS THEREFOR ARE ISSUED.

WHEREAS, Under proceedings duly and regularly had for the improvement of Cleveland Street in the City of Garnett, Kansas, in Cleveland Street Improvement District 1978, said street improvement is now under contract through the State of Kansas, Department of Transportation; and

WHEREAS, The City of Garnett is obligated to advance the entirety of its share of funds under said contract to the Controller of the State of Kansas; and

WHEREAS, The City has no funds with which to finance its share of said improvements until bonds are issued; and

WHEREAS, Pursuant to K.S.A. 10-123 (Supp.) and Chapter 49 of the Laws of Kansas 1978, proper and full authority is conferred on the said City of Garnett to issue its temporary notes for the purpose of financing its share of the improvement of said street.

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 City's share of the cost of the improvement of Cleveland Street in the City of Garnett, Kansas, in the improvement district designated and known as Cleveland Street Improvement District 1978, as created and authorized by Ordinance No. 2450, 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 $60,000.00 in the aggregate, which said notes shall be consecutively numbered and shall bear interest at the rate of SEVEN (7%) per annum and maturing on the 31st day of December, 1978, but which shall 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 $60,000.00; said sum being the approved estimated cost of the City's share of such improvement project and 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 The Anderson Countian, the official City newspaper.

PASSED and APPROVED, This 20th day of July, 1978.

Edward J. Toomey
Mayor

A T T E S T:

Joyce E. Martin
Joyce E. Martin
City Clerk

ORDINANCE NO. 2453

AN ORDINANCE AMENDING ORDINANCE #2382 AND ESTABLISHING NEW PERIODIC CHARGES FOR THE MUNICIPAL GAS UTILITY; REPEALING EXISTING SECTION THREE (3) OF SAID ORDINANCE.

SECTION 1. Section Three (3) of Ordinance #2382 of the City of Garnett is hereby amended to read as follows:

> 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 $1.44 per thousand cubic feet sold.

SECTION 2. Section Three (3) of Ordinance #2382, as the same presently exists, is hereby repealed.

SECTION 3. This ordinance shall take effect and be in force from and after August 1, 1978 and after its publication in the Anderson Countian, the official City newspaper.

PASSED and ADOPTED this 26th day of July.

Edward L. Toomey
Mayor

Attest:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2454

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 SECTION OF SAID TITLE AND CHAPTER.

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

Section 1. Title 4, Chapter 4, Section 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	$.045 per kWh
Next	920 kWh per mo. at	$.042 per kWh
Over	1,000 kWh per mo. at	$.040 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. (Ord. 2310, 6-25-75, eff. 7-1-75)

(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	$.045 per kWh
Next	920 kWh per mo. at	$.040 per kWh
Over	1,000 kWh per mo. at	$.037 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. (Ord. 2338, 3-10-76, eff. 301-76)

(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	$.045
Next	920 kWh per mo. at	$.041
Over	1,000 kWh per mo. at	$.039

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 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	$.035
Over	1,000 kWh per mo. at	$.032

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) through (D), inclusive, Code of the City of Garnett, Kansas, as the same presently exists, is hereby repealed.

Section 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after Sept. 1, 1978, and after its publication in THE ANDERSON COUNTIAN, the official City newspaper.

PASSED and APPROVED this 26th day of July, 1978.

Edward Toomey
Mayor

Attest:

Joyce E. Martin
City Clerk

(SEAL)

ORDINANCE NO. 2455

AN ORDINANCE ESTABLISHING A UTILITY MAIN AND PUBLIC STREET EXTENSION POLICY FOR ALL MUNICIPAL UTILITIES AND STREET INSTALLATIONS IN THE CITY OF GARNETT. PROVIDING DEFINITIONS, GENERAL PROVISIONS FOR MAIN EXTENSION AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

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

Section 1: UTILITY MAIN EXTENSION POLICY-PURPOSE. The extension of any and all utility mains to serve new areas of development has been and will continue to be an expensive investment, especially in terms of initial cost. This is particularly true when the City becomes faced with financing extensive improvements to their source of supply and treatment facilities to meet increased demands for utilities caused by extension of mains to new areas.

Although the new customer of today is an old customer tomorrow, the cost of expanding the distribution system of our electric, gas and water utilities and the collection system of our sewer utility and street installation should be financed by those who receive the direct benefit, the new customer. Also, it is essential that any policy for extending utility mains and public streets be uniformly applicable to all persons desiring extensions.

Section 2: DEFINITIONS.

(a) Developer: shall mean any person, group, firm or corporation seeking a utility main extension or street improvement.

(b) City: shall mean the City of Garnett.

Section 3: GENERAL PROVISIONS FOR MAIN EXTENSION. The following general provisions shall be applicable to the extension of all utility mains within the City of Garnett.

A. ELECTRIC SERVICE. The City of Garnett will construct, maintain, own and operate municipal electric facilities, electric lines, substations and all appurtenances for the purpose of supplying electrical service to residential, commercial and industrial areas within the City of Garnett under the following terms and conditions.

1. All customers shall conform to City regulations.

All customers, obtaining electric service from the City of Garnett municipal electric system, shall conform to all rules, regulations, ordinances, rates, conditions of service and practices now prevailing or which may be established by the City in the future.

2. City reserves the right to refuse service.

The City reserves the right to refuse electrical service, or to limit electric service, where the extension of electric service conflicts with the general policy of the City or jeopardizes electrical service to their existing customers.

3. Areas to be platted.

Electric distribution lines will be extended into areas within the city limits of Garnett only after the areas in which line extensions are desired have been platted in accordance with the requirements of the City and the platting approved by the City Planning Commission and the City Commission.

4. Electric facilities constructed to City standards.

All electric line extensions in undeveloped subdivisions or areas shall require the conductors, poles, insulators, transformers and appurtenances to be constructed by the City in accordance with its designs, plans, and specifications and provisions for financing established by the City and all such facilities shall remain the property of the City.

5. Payment for electrical facilities to be made in advance of construction.

All electrical distribution lines and appurtenances will be constructed by the City with payment therefor to be made in advance of construction by the property owner, developer, or others desiring the distribution line installations. After the installation of such line extension has been completed, if the total actual cost thereof is less than the estimated cost, a refund of the difference shall be made to the applicant. If the actual cost is greater than the estimated cost, the developer shall be required to make an additional deposit.

6. All street lighting shall be installed at no cost to the developer, provided the installation does not deviate from the city's present street lighting policy.

B. STREET IMPROVEMENT.

1. Layout.

The arrangement of streets in new subdivisions shall make provisions for the continuance of the existing streets in adjoining areas (or other proper projection where adjoining land is not subdivided) insofar as they might be deemed necessary for public requirement. The width of such streets in new subdivisions shall be not less than the minimum widths established herein. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it. Offset streets shall be avoided. The angle of intersection between minor streets and major streets shall not vary more than ten degrees (10°) from a right angle. Streets obviously in alignment with existing streets shall bear the names of the existing streets.

2. Rights-of-way and paved widths.

Street right-of-way and paved widths shall not be less than as follows:

STREET TYPE	RIGHT-OF-WAY	PAVED WIDTH
Arterial	80'	40' B/B No Parking
Collector	80'	40' B/B
Minor	60'	30' B/B
Cul-de-sac	60'	30' B/B

3. Street grade.

No street grade shall be greater than five per cent (5%) nor less than three-tenths of one percent (0.3%).

4. Cul-De-Sac and Dead-End Street.

Except in cases where the unusual topographic conditions may make it advisable to modify these provisions the following shall apply:

Maximum length of five hundred feet (500'); Vehicular turnaround at the closed end of a street having a radius of fifty feet (50') and a roadway having a minimum radius of forty feet (40') to the exterior curbline.

In the case of temporary dead-ended streets, which are stub streets designed to provide future connection with unsubdivided areas adjoining, the City may require a temporary easement for a turn-around of the nature indicated above.

5. Private streets and reserve strips.

There shall be no private streets platted in any subdivision. Every subdivision shall be served from a publicly dedicated street. There shall be no reserve strips controlling access streets, except where the control of such strips is approved.

6. Existing Streets.

Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

7. Half Streets.

Half streets are not acceptable and shall not be approved except whenever an existing half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

8. Street Names.

No street name shall be used which will duplicate or be confused with names of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city.

9. Road Surfacing.

After all underground utilities have been installed, the subdivider shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed. Said surfacing shall be of such character as is suitable for the expected traffic. An adequate provision shall be made for culverts, drains and bridges. Types of pavement and construction standards are as follows:

RESIDENTIAL STREET:

Bituminous Seal - Base- MR-90- State Specification.
Base Rock- 6" Base Rock
Seal & Cover- Double Seal

Asphalt- Base- MR-90 State Specification
Base Rock- 6" Base Rock
Asphalt- 6" Asphalt

Concrete- Base- MR-90 State Specification
Base Rock- 6" Base Rock
Concrete & Reinforcing- 6" concrete

C. WATER AND GAS SERVICE. The City of Garnett will construct, maintain, own and operate water treatment and gas distribution facilities, pipelines, pumping stations, elevated storage, regulator stations and appurtenances for the purpose of supplying water and gas to residential, commercial and industrial areas within the City of Garnett under the following terms and conditions.

1. All customers shall conform to City regulations.

All customers, obtaining water and gas service from the City of Garnett water, sewer and gas system, shall conform to all rules, regulations, ordinances, rates, conditions of service and practices now prevailing or which may be established by the City in the future.

2. City reserves the right to refuse service.

The City reserves the right to refuse water or gas service, or to limit water or gas service, where the extension of said services conflicts with the general policy of the City or jeopardizes water service to their existing customers. No new customers will be accepted outside the City limits.

3. Areas to be platted.

Gas and water distribution mains will be extended into areas within the City limits of Garnett only after the areas in which main extensions are desired have been platted in accordance with the subdivision requirements of the City and the platting approved by the City Planning Commission and the City Commission.

4. No water service until sewerage facilities assured.

Water service will not be extended to any user until provisions have been made for the financing of necessary sanitary sewerage facilities to serve that user, and the construction of these sewerage facilities is assured, with the following exceptions:

a. Where water is to be used for industrial, agricultural, or other purposes that do not result in the production of other objectionable wastes.

b. Where the construction of sanitary sewers cannot be consummated due to reasons beyond the control of the proposed user and where said user can provide independent methods of sewage disposal in a manner approved by the public health authorities and by the City. Septic tanks or similar means of disposal shall not be approved for other than isolated dwellings.

5. Water and gas facilities constructed to City standards.

All water or gas main extensions in undeveloped subdivisions or areas shall require the mains, valves and appurtenances to be constructed by the developer in accordance with design, plans and specifications established by the City and shall be installed by the developer at the developer's sole expense. The following specifications for water and gas extensions will be considered as minimum requirements:

a. The diameter of the water main to be installed shall be determined by the water department, based upon a consideration of the following factors: Provision of adequate service to prospective customers; possible and contemplated future extensions of the main to be installed and fire protection needs existing or anticipated in the area to be served. In no case shall the water main be less than 6".

b. The diameter of the gas main to be installed shall be determined by the gas department, based upon a consideration of the following factors: Provision of adequate service to prospective customers; possible and contemplated future extensions of the main to be installed. In no case shall the gas main be less than 4" low pressure or 2" high pressure.

c. Water and gas main construction will comply with the applicable plumbing codes and regulations of the City.

d. Water for fire protection will be provided by the City through fire hydrants installed at intervals comparable to those throughout the City of Garnett.

e. The City shall retain ownership and complete control of the connecting pipelines, as well as all other distribution lines, and shall have the right to connect additional customers in accordance with established rules and regulations. The developers of the subdivision shall have no interest in the connecting pipeline other than the right to service therefrom in accordance with the City's established rules and regulations.

f. Developers of isolated subdivisions shall pay the expense of connecting pipeline required between the isolated subdivision and the nearest existing main which the City deems adequate in size to serve the isolated subdivision.

Section 4: Title 4, Chapter 9 of the Municipal Code and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5: This passage and ordinance shall take effect and be in force from and after its publication in the official City Newspaper, the Anderson Countian.

PASSED and APPROVED by the Governing Body of the City of Garnett, this 26th day of July, 1978.

Edward Toomey
Mayor

Attest:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2456

AN ORDINANCE AMENDING TITLE 9, CHAPTER 5, SECTION 16 OF THE MUNICIPAL CODE; AND PROVIDING FOR THE TIME UPON WHICH BOATS MAY BE OPERATED ON LAKE GARNETT; REPEALING EXISTING PROVISIONS.

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

SECTION 1: Title 9, Chapter 5, Section 16, Subsection (A) is hereby amended to read as follows, to-wit:

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

(A) Speed boating and water skiing shall be permitted on Lake Garnett on each Wednesday and Sunday and the first and third Saturdays of each month, from ten o'clock a.m. to sunset of each day, beginning on and after May 15th and ending on and including November 15th of each year. Speed boating and water skiing shall also be permitted on Lake Garnett between ten o'clock a.m. and sunset on Memorial Day, July 4th, commonly called Independence Day, and Labor Day of each year. Speed boating on Crystal Lake is prohibitted at any time, and speed boating on Lake Garnett other than at the times expressly permitted by this Chapter is prohibited."

SECTION 2: Title 9, Chapter 5, Section 16, Subsection (A) of the Municipal Code, as the same presently exists, is hereby repealed.

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

PASSED and APPROVED This 26th day of July, 1978.

Mayor

A T T E S T:

City Clerk

ORDINANCE NO. 2457

AN ORDINANCE MAKING CERTAIN FINDINGS WITH RESPECT TO A PETITION FOR STREET EXTENSION AND 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 extensions 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 certain improvements as specified therein, generally in that area known as Hayden's Lakeview Estates Addition (Rev. 1977) to 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, to-wit:

Laying out and paving of approximately 5,200 lineal feet of streets, 20 feet in width, inclusive of curbing, but exclusive of cul-de-sac areas, which shall be of sufficient width to permit 360 degree turns of standard American motor cars in a single pass, to-wit: (a) the entirety of Lakeview Drive; (b) the entirety of Lakeridge Road; (c) the entirety of Lakeshore Drive; (d) the entirety of Lynnewood Lane; (e) the entirety of Leewood Lane, except the south 70 foot thereof; all being within and as shown by the Plat of Hayden's Lakeview Estates Addition (Rev. 1977) to said City.

All of said paving shall be of Portland Cement Concrete nominally 6 inches thick, but in no instance less than 5 inches thick, over a properly compacted crushed rock base, including curbing of the design and type commonly referred to as "lazyback"; maximum estimated project cost: $ 80,000.00

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

Lots One (1) through Forty-four (44), inclusive, and Lots Forty-eight (48) through Fifty-six (56), inclusive, all in Hayden's Lakeview Estates Addition (Rev. 1977) to 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 against each of the fifty-three (53) lots of record contained within and comprising such improvement district.

SECTION 5: The above improvements and the improvement district herein created shall supercede the improvements and provisions for the creation of an improvement district provided in Ordinance No. 2405, dated July 13, 1977; and all improvements provided for in said Ordinance No. 2405 shall be and are hereby incorporated into this improvement district. All work and improvements already in place, whether completed and finally accepted or not, shall be deemed to be a part of the improvements above described and treated as a part of the improvement district herein created.

SECTION 6: 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 7: This Ordinance shall take effect and be in force from and after its publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED This 26th day of July, 1978.

Harold Toney
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

P E T I T I O N

TO THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS:

We, the undersigned, owners of property situate within the City of Garnett, Kansas, do hereby respectfully request that the Governing Body of said City create and designate an improvement district for the purpose of laying out and extending streets as hereinafter specified, all affecting and generally benefiting properties owned by us.

The location, general nature, and estimated cost of such requested improvements are as follows:

> Laying out and paving of approximately 5,200 lineal feet of streets, 20 feet in width, inclusive of curbing, but exclusive of cul-de-sac areas, which shall be of sufficient width to permit 360 degree turns of standard American motor cars in a single pass, to-wit: (a) the entirety of Lakeview Drive; (b) the entirety of Lakeridge Road; (c) the entirety of Lakeshore Drive; (d) the entirety of Lynnewood Lane; (e) the entirety of Leewood Lane, except the south 70 foot thereof; all being within and as shown by the Plat of Hayden's Lakeview Estates Addition (Rev. 1977) to said City.
>
> All of said paving shall be of Portland Cement Concrete nominally 6 inches thick, but in no instance less than 5 inches thick, over a properly compacted crushed rock base, including curbing of the design and type commonly referred to as "lazyback"; maximum estimated project cost: $ 80,000.00

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 fifty-three (53) hereinafter described lots of record of said Hayden's Lakeview Estates Addition (Rev. 1977) contained within such improvement district. The extent and description of the proposed improvement district is:

> Lots One (1) through Forty-four (44), inclusive, and Lots Forty-eight (48) through Fifty-six (56), inclusive, all in Hayden's Lakeview Estates Addition (Rev. 1977) to the City of Garnett, Anderson County, Kansas.

Petitioners ask that the above improvements and the improvement district to be created be in addition to and supercede the previously created district as provided in Ordinance No. 2405, dated July 13, 1977. In support thereof, petitioners state that the improvement district sought to be created by this Petition will provide for installation of an additional street, Leewood Lane, and will generally provide for paved streets to the entirety of said Addition, except for Lots Forty-five (45), Forty-six (46), and Forty-seven (47), which are at a later date proposed to be served by a rectangular cul-de-sac at the south end of Leewood Lane similar to the cul-de-sac terminating Lynnwood Lane; that the additional cost at such future time for said cul-de-sac should be borne by the said three (3) lots as a separate improvement district, and that such pro rata apportionment of said cul-de-sac is estimated to be equivalent to the proposed assessment and apportionment of the above estimated project cost over the proposed improvement district. That such proposed apportionment of street costs will be fair and approximately equal to each and every lot of record if the method aforesaid is adopted and followed.

The undersigned respectfully request that the improvements hereby requested shall be made without notice and hearing as provided in K.S.A. 12-6a04.

NOTE: Signers are not permitted to withdraw names from this Petition after seven (7) days of its filing with the City Clerk or after the Governing Body commences consideration of the same, whichever occurs first.

Signature	Street Address	Date Signed
Dwight L. Hayden	35 Lakeview Dr.	July 24, 1978
Tyra D. Hayden	35 Lakeview Dr.	July 24, 1978

ORDINANCE NO. 2458

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE OF $400,000 PRINCIPAL AMOUNT OF ELECTRIC LIGHT PLANT AND SYSTEM REVENUE BONDS, SERIES OF 1978, OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF EXTENDING, ENLARGING AND IMPROVING THE CITY'S MUNICIPALLY OWNED ELECTRIC UTILITY BY PURCHASING A NEW GENERATING UNIT AND AUXILIARIES, INCLUDING THE NECESSARY MECHANICAL AND ELECTRICAL WORK CONNECTED THEREWITH, PRESCRIBING THE FORM AND DETAILS OF SAID REVENUE BONDS, PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUES OF SAID SYSTEM FOR THE PURPOSES AUTHORIZED BY LAW INCLUDING PAYING THE COST OF OPERATION, IMPROVEMENT AND MAINTENANCE OF SAID UTILITY; PAYING THE PRINCIPAL OF AND INTEREST ON THE REVENUE BONDS OF SAID CITY ISSUED AGAINST SAID SYSTEM AND PROVIDING ADEQUATE RESERVE FUNDS, AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO.

WHEREAS, pursuant to the provisions of K.S.A. 10-1201 to 10-1212, inclusive, and all amendments thereto, the governing body of the City of Garnett, Kansas, heretofore caused to be published in the official City newspaper a notice of the intention of the City 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, and

WHEREAS, within fifteen days after the publication of the notice aforesaid, no written protest was filed with the City Clerk of said City against said extensions, enlargements and improvements or against the issuance of said revenue bonds, and the City is now authorized to make such extensions, enlargements and improvements, and

WHEREAS, the governing body of said City has caused preliminary plans and specifications for such improvements and an estimate of the cost thereof to be made, which plans, specifications and estimate have been and hereby are accepted and approved and are now on file in the office of the City Clerk, and

WHEREAS, it appears from said estimate and the governing body of the City hereby finds and determines that the cost of said improvements will be in the sum of $400,000 and that it is necessary at this time that the City proceed forthwith to issue its Electric Light Plant and System Revenue Bonds, Series of 1978, in the principal amount of $400,000 for the purpose of paying the cost of extending, enlarging and improving the City's municipally owned electric utility by purchasing a new generating unit and auxiliaries, including the necessary mechanical and electrical work connected therewith as provided in the notice of intention aforesaid,

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

Section 1. Definitions. That the word "City" as used in this Ordinance shall mean the City of Garnett, Kansas. The words "generating plant", "electric system", "electric utility", "electric works", "system", "utility", and "works" as used in this Ordinance shall mean the City's entire electric plant and system serving the City, its inhabitants, and others, including all facilities for the generation, production and acquisition of electric energy, and the distribution and sale thereof, and including all improvements, extensions and enlargements of the City's electric system hereafter purchased, constructed, made or acquired by the City.

Section 2. Findings and Determinations. The governing body of the City of Garnett, Kansas, hereby finds and determines that the original cost of extending, enlarging and improving the electric utility of said City pursuant to the notice of intention heretofore given by said governing body and published in the official City newspaper, as shown by the report and estimate on file in the office of the City Clerk, was in the amount of $400,000; that said extensions, enlargements and improvements shall be made in accordance with said report and estimate as the same may be amended and supplemented and approved by the governing body of the City; and that it is now necessary that $400,000 principal amount of Electric Light Plant and System Revenue Bonds, Series of 1978, of the City, herein authorized, be issued for the purpose of paying the cost of the said extensions, enlargements and improvements.

Section 3. Authorization of the Bonds. That for the purpose of extending, enlarging and improving the City's municipally owned electric utility by purchasing a new generating unit and auxiliaries, including the necessary mechanical and electrical work connected therewith, there is hereby authorized and directed to be issued a series of Electric Light Plant and System Revenue Bonds, Series of 1978, of the City of Garnett, Kansas, in the principal amount of $400,000, said bonds being hereinafter sometimes referred to as the "Series 1978 Bonds" or "Bonds".

Section 4. Description and Details of the Bonds; Redemption Provisions. That said Series 1978 Bonds shall consist of 80 bonds, numbered from 1 to 80, inclusive, each in the denomination of $5,000. Said Bonds shall be dated September 1, 1978, and said Bonds shall be numbered, shall become due serially on September 1 in each year, and shall bear interest as follows:

NUMBERS	AMOUNT	MATURITY SEPTEMBER 1	INTEREST RATE
1 - 5	$25,000	1982	6 1/4%
6 - 10	25,000	1983	6 1/4%
11 - 15	25,000	1984	6 1/4%
16 - 21	30,000	1985	6 1/4%
22 - 27	30,000	1986	6 1/4%
28 - 33	30,000	1987	6 1/4%
34 - 40	35,000	1988	6 1/4%
41 - 47	35,000	1989	6 1/4%
48 - 55	40,000	1990	6 1/4%
56 - 63	40,000	1991	6 1/4%
64 - 71	40,000	1992	6 1/4%
72 - 80	45,000	1993	6 1/4%

Series 1978 Bonds maturing before September 1, 1989, shall become due without option of prior payment. At the option of the City, Series 1978 Bonds maturing on September 1, 1989, and thereafter may be called for redemption and payment prior to maturity as a whole or in part in inverse numerical order on September 1, 1988, or on any interest payment date thereafter prior to maturity at the principal amount thereof plus accrued interest to date of redemption together with a premium of 3% of the principal amount of the Bonds so redeemed and paid.

If the City shall elect to call any Bonds for redemption and payment prior to the maturity thereof, the City shall publish once in the official State paper of the State of Kansas a notice of the intention of the City to call and pay said Bonds, the same being described by number, said notice to be published in said paper not less than 30 days nor more than 60 days prior to the date on which said Bonds are called for payment. The City shall also give written notice of the intention of the City to redeem and pay said Bonds, said notice to be given by United States registered mail addressed to E. F. Hutton & Company, Inc., Kansas City, Missouri, and to be mailed not less than 30 days nor more than 60 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.

Interest on said Bonds at the rate hereinbefore specified shall be payable on September 1, 1979, and thereafter semiannually on March 1 and September 1 in each year.

Said Bonds and interest coupons to be attached thereto as hereinafter provided shall be payable in lawful money of the United States of America at the office of the State Treasurer of the State of Kansas, in the City of Topeka, Kansas.

Section 5. Method of Execution of the Bonds. The Series 1978 Bonds shall be executed for and on behalf of the City by the Mayor and City Clerk, with the seal of the City affixed thereto. Interest coupons shall be attached to said Bonds representing the interest to mature thereon, and said interest coupons shall bear the facsimile signatures of the Mayor and City Clerk of said City.

Section 6. Form of Bonds. Each of the Series 1978 Bonds and the interest coupons attached thereto and the certificates to appear thereon shall be in substantially the following form:

No. _____ $5,000

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF ANDERSON

CITY OF GARNETT

ELECTRIC LIGHT PLANT AND
SYSTEM REVENUE BOND
SERIES OF 1978

KNOW ALL MEN BY THESE PRESENTS: That the City of Garnett, in the County of Anderson, State of Kansas, for value received, hereby promises to pay, out of the revenues hereinafter specified, to the bearer, the sum of

FIVE THOUSAND DOLLARS

in lawful money of the United States of America, on the First day of September, 19__, and to pay interest thereon from the date hereof at the rate of six and one-quarter percent (6 1/4%) per annum, payable on September 1, 1979, and thereafter semiannually on March 1 and September 1 in each year until the 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 at the office of the State Treasurer, in the City of Topeka, Kansas.

At the option of the City of Garnett, Kansas, Bonds of the series of which this Bond is a part becoming due on or after September 1, 1989, may be redeemed and paid prior to maturity as a whole or in part in inverse numerical order on September 1, 1988, or on any interest payment date thereafter, at the principal amount thereof plus accrued interest to date of redemption, together with a premium of 3% of the principal amount of each such Bond so redeemed and paid. If any Bonds are called for redemption and payment prior to maturity, the City will publish once in the official State paper of the State of Kansas not less than 30 days nor more than 60 days prior to the date of redemption a notice of intention of the City to call and pay such Bonds on a specified date. 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.

This Bond is one of an authorized series of 80 Bonds of the City of Garnett, Kansas, of like date and tenor, except as to number, privilege of redemption and maturity, aggregating the principal amount of $400,000, numbered from 1 to 80, inclusive, each in the denomination of $5,000, issued for the purpose of extending, enlarging and improving the City's municipally owned electric utility by purchasing a new generating unit and auxiliaries, including the necessary mechanical and electrical work connected therewith, by 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. 10-1201 to 10-1212, inclusive, and all amendments thereto and all other provisions of the laws of said State applicable thereto, and this Bond and all interest hereon are to be paid by said City of Garnett, Kansas, solely from the revenues derived from the rates, fees or charges collected by said City from the operation of its electric system and not from any other fund or source. The series of revenue bonds of which this Bond is a part is 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, in the original principal amount of $490,000, now outstanding in the principal amount of $230,000, becoming due serially on August 1, 1979 to 1981, inclusive.

This Bond and the series of which it is a part have been authorized and issued under the provisions of an ordinance duly passed and adopted by the governing body of the City to which ordinance reference is made for a description of the covenants made by the City with respect to the collection, segregation and application of the revenues of the City's electric utility, the nature and extent of the security of such Bonds, the rights, duties and obligations of the City with respect thereto and the rights of the holders thereof. Under the terms of such ordinance the City has the right to issue additional parity bonds payable from the same source and secured by the same revenues as this Bond and the series of which it is a part, provided, however, such additional bonds may be so issued only in accordance with and subject to the covenants, conditions and restrictions relating thereto set forth in said ordinance.

This Bond has been duly registered in the office of the City Clerk of the City of Garnett, Kansas, and in the office of the State Treasurer of Kansas, and this Bond and the coupons attached hereto are negotiable.

And 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.

IN WITNESS WHEREOF, the City of Garnett, in the State of Kansas, by its governing body, has caused this Bond to be signed by its Mayor and attested by its City Clerk, and its corporate seal to be hereto affixed and the interest coupons hereto attached to be signed by the facsimile signatures of said officers, and this Bond to be dated this first day of September, 1978.

_____
Mayor

ATTEST:

_____
City Clerk

(FORM OF COUPON)

	Coupons for 12 Months Due September 1, 1979	Coupons for 6 Months Due March 1 and September 1
All Bonds	$312.50	$156.25

On the First day of September, 19__, unless the Bond to which this coupon is attached be called for redemption and payment duly made or provided for, the CITY OF GARNETT, KANSAS, will pay bearer, solely from the revenues derived by said City from the rates, fees or charges collected by said City from the operation of its electric system and not from any other fund or source, _____ _____ Dollars and _____ Cents, in lawful money of the United States of America, at the office of the STATE TREASURER, TOPEKA, KANSAS, being ___ months' interest on its ELECTRIC LIGHT PLANT AND SYSTEM REVENUE BOND, SERIES OF 1978, dated September 1, 1978, No. _____.

March,

(facsimile)
Mayor

ATTEST:

(facsimile)
City Clerk

March 1,
September 1, 19__

$_____

Bond Number

Coupon Number

STATE OF KANSAS)
) SS.
COUNTY OF ANDERSON)

I, the undersigned, City Clerk of the City of Garnett, Kansas, hereby certify that the within Electric Light Plant and System Revenue Bond, Series of 1978, of the City of Garnett, Kansas, has been duly registered in my office according to law.

WITNESS my hand and official seal this _____.

City Clerk

OFFICE OF THE STATE TREASURER OF KANSAS

I, Joan Finney, State Treasurer of Kansas, 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 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

Section 7. Execution and Delivery of the Bonds. The Mayor and City Clerk are hereby authorized and directed to prepare and execute the Series 1978 Bonds in the manner hereinbefore specified and to cause said Bonds to be registered as provided by law, and, when duly executed and registered, to deliver said Bonds to E. F. Hutton & Company, Inc., Kansas City, Missouri, the purchasers thereof, on payment of the purchase price.

Section 8. Disposition of Bond Proceeds. The accrued interest on said Series 1978 Bonds received on the sale thereof shall be credited to the "Electric System Bond and Interest Account for Bonds dated September 1, 1978", hereinafter ordered to be established. The principal amount received from the sale of said Bonds shall be deposited in a separate fund hereby created in the treasury of the City, to be known as the "Electric System Construction Fund", sometimes hereinafter referred to as the "Construction Fund", and shall be used by said City together with other cash funds on hand for the sole purpose of extending, enlarging and improving the City's municipally owned electric utilities by purchasing a new generating unit and auxiliaries, including necessary mechanical and electrical work connected therewith, as hereinbefore specified. Withdrawals from said fund shall be made on duly authorized and executed warrant therefor accompanied by a certificate executed by the superintendent of the electric utility 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 or reasonable value of the property, labor, materials, service or obligation 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 of all costs and expenses incident to the issuance of the Series 1978 Bonds herein authorized without a certificate from the superintendent of the electric utility. Any surplus in said Construction Fund not required to make said extensions, enlargements and improvements shall be credited to the 1978 Bond and Interest Account, hereinafter ordered to be established.

Section 9. Security for the Bonds. The Series 1978 Bonds are hereby made a lien on the revenues produced from the electric system of the City and the principal of and interest on said Bonds shall be payable solely from the revenues derived by said 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 said City, and not from any other fund or source. Said Bonds shall not be or constitute a general obligation of the City of Garnett, Kansas, nor shall they constitute indebtedness of said City within the meaning of any constitutional or statutory limitation. Said Series 1978 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, issued pursuant to Ordinance No. 2177 of the City, passed August 9, 1971 (the "1971 Ordinance"), in the original principal amount of $490,000, now outstanding in the principal amount of $230,000, becoming due serially on August 1, 1979 to 1981, inclusive.

Section 10. Electric Utility Fund. The Electric Utility Fund ratified and confirmed by the 1971 Ordinance 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 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 in this Ordinance provided and the same will not be mingled with the other funds of the City.

Section 11. Ratification and Creation of Accounts. That the establishment by the 1971 Ordinance of 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", and

(c) "Electric System Surplus Account" herein sometimes referred to as the "Surplus Account",

be and the same is hereby ratified and confirmed and that, in addition to the accounts aforesaid, there are hereby created and ordered to be established in the treasury of the City three separate accounts to be known respectively 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".

The accounts referred to in subsections (a) and (b) aforesaid shall be maintained by the City in accordance with the provisions of the 1971 Ordinance so long as any of the Electric Light Plant and System Revenue Bonds, Series of 1971, remain outstanding. The accounts referred to in subsections (c), (d), (e) and (f) aforesaid shall be maintained and administered by the City as hereinafter provided so long as any of the Series 1978 Bonds remain outstanding.

Section 12. Application of Moneys in Funds and Accounts. Moneys paid and deposited in the Electric Utility Fund hereinbefore ratified and established shall be administered and disposed of so long as any of the Bonds herein authorized are outstanding as follows:

(a) The City, each month, shall pay or make provision for the payment of the reasonable and proper expenses of operating and maintaining the City's electric system for the current month and keeping the same in good repair and working order, including, without limiting the generality of the foregoing, salaries, wages, costs of materials and supplies, and insurance. No moneys in the Electric Utility Fund shall be used for the purpose of extending or enlarging the City's electric system.

(b) After paying or making provision for the payment each month of the reasonable and proper expenses of operating and maintaining the City's electric system for the current month and after making the deposits into the accounts required by the provisions of subsections (b) and (c) of the 1971 Ordinance, the City shall next pay or credit from the Electric Utility Fund into the 1978 Bond and Interest Account to the extent necessary to meet at the maturity thereof all interest on and principal of the Bonds herein authorized the following sums:

(i) On the first day of each month beginning as of September 1, 1978, and ending August 1, 1979, an equal pro rata portion of the amount required to pay the interest that will become due on the Series 1978 Bonds on September 1, 1979, and on September 1, 1979, and continuing on the first day of each month thereafter so long as any of said Series 1978 Bonds remain outstanding and unpaid, an amount not less than one-sixth of the amount of interest that will become due on said Series 1978 Bonds on the next succeeding interest payment date; and

(ii) On the first day of each month beginning as of September 1, 1978, and ending August 1, 1982, an equal pro rata portion of the amount required to pay the principal of the Series 1978 Bonds maturing on September 1, 1982, and on September 1, 1982, and continuing on the first day of each month thereafter, an amount not less than one-twelfth of the principal amount of said Series 1978 Bonds that will become due on the next succeeding bond maturity date.

All amounts paid or credited to said 1978 Bond and Interest Account shall be used and expended by the City for the sole purpose of paying the principal of and interest on the Series 1978 Bonds as and when the same become due.

(c) There shall next be paid and credited from the Electric Utility Fund to the 1978 Bond Reserve Account the sum of Four Hundred Dollars ($400) each month, beginning September 1, 1978, and continuing on the first day of each month thereafter until there shall have accumulated in said 1978 Bond Reserve Account a sum equal to the maximum amount to be paid in any succeeding fiscal year on account of principal of and interest on the Series 1978 Bonds becoming due in such fiscal year (said sum being referred to herein as the "Bond Reserve Requirement").

As long as moneys and investments in said 1978 Bond Reserve Account shall aggregate not less than the Bond Reserve Requirement, no further payments into said account shall be required, but if at any time or from time to time the City shall be compelled to use and expend any part of said 1978 Bond Reserve Account for the purpose of paying the principal of or interest on the Series 1978 Bonds and such use shall reduce the amount of said account below the Bond Reserve Requirement, then the City after making all payments required to be made by the City under the provisions of subsections (a) and (b) of this Section will pay or credit from the Electric Utility Fund into said 1978 Bond Reserve Account such sums as may be necessary to maintain said account in the amount of the Bond Reserve Requirement.

Moneys in said 1978 Bond Reserve Account shall be used and expended by the City solely to prevent any default in the payment of the principal of or interest on the Series 1978 Bonds, if the moneys in the 1978 Bond and Interest Account are insufficient to pay the principal of or interest on said Bonds as they become due and if no other funds are available to pay said principal and interest. No part of said 1978 Bond Reserve Account shall ever be used or expended by the City to call any of said Bonds for payment prior to their ultimate maturity unless there shall remain in said 1978 Bond Reserve Account after such call and payment an amount equal to the principal of all of the Series 1978 Bonds then outstanding together with all interest that will become due thereon to maturity.

Moneys in the 1978 Bond Reserve Account shall be used to pay and retire the last outstanding Series 1978 Bonds unless such Bonds and all interest thereon be otherwise paid.

(d) There shall next be paid and credited from the Electric Utility Fund to the Depreciation Account the sum of Two Hundred Dollars ($200) each month, beginning September 1, 1978, and continuing on the first day of each month thereafter until there shall

have accumulated in said Depreciation Account the sum of Twenty Thousand Dollars ($20,000). Moneys held in the Depreciation Account shall be used by the City if no other funds are available therefor, for paying the cost of unusual or emergency maintenance and repairs to the City's electric utility to assure that said utility will continue in an effective and efficient operation and to prevent any default in the payment of interest on or principal of the Electric Light Plant and System Revenue Bonds, Series of 1971, the Series 1978 Bonds or any other electric system revenue bonds of the City hereafter issued and standing on a parity with the Series 1978 Bonds. So long as any moneys and investments in the Depreciation Account shall aggregate not less than Twenty Thousand Dollars ($20,000), no further payments into said account shall be required, but if at any time the City shall be compelled to use and expend any part of the Depreciation Account as provided herein and such use shall reduce the amount of said account below the sum of Twenty Thousand Dollars ($20,000), then the City, after making all payments required to be made by the City under the provisions of subsections (a), (b) and (c) of this Section, will resume the monthly payments or credits of Two Hundred Dollars ($200) each to the Depreciation Account until there shall have again accumulated in said account the sum of Twenty Thousand Dollars ($20,000).

(e) After all amounts required at the time to be paid or credited from the Electric Utility Fund into the 1978 Bond and Interest Account, the 1978 Bond Reserve Account and the Depreciation Account under the provisions of subsections (b), (c) and (d) of this Section shall have been so paid or credited, and if at the time the City shall not be in default in the performance of any covenant or agreement contained in this Ordinance, the City, at the close of each fiscal year of the City's electric system, after retaining in the Electric Utility Fund such amount as the governing body of the City may deem necessary to pay the reasonable and proper expenses of operating and maintaining the City's electric system during the next succeeding period of 60 days, shall pay and credit remaining moneys then in the Electric Utility Fund to the Surplus Account. Moneys in said Surplus Account may be applied by the governing body of the City to any purpose authorized by the laws of the State of Kansas.

Section 13. 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 or credit on the date or dates hereinbefore specified, the City shall make good the amount of such deficiency by making 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 12 hereof. If at any time the moneys in the 1978 Bond and Interest Account and in the 1978 Bond Reserve Account are not sufficient to pay the principal of or interest on the Series 1978 Bonds as and when the same become due, then the amount of such deficiency shall be made up by transfer of moneys from the other funds and accounts hereinbefore created in the following order: First, from the Surplus Account, second from the Depreciation Account and third from moneys held in the Electric Utility Fund; provided, however, that there shall always remain in the Electric Utility Fund an amount sufficient to pay the reasonable and proper expenses of operating and maintaining the City's electric system during the next succeeding period of 30 days.

Section 14. Investments. Any moneys held in any fund or account which are not immediately needed for the purposes of such fund or account may be invested by the City in direct obligations of the United States Government, 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, and no investment shall be made in obligations maturing longer than ten years after the date of purchase. Cash moneys in each of the funds and accounts herein created or established shall be deposited in a bank or banks in the City of Garnett, Kansas, which are members of the Federal Deposit Insurance Corporation and all such bank deposits shall be adequately secured by the banks holding such deposits. All interest on any investments held in any fund or account created by or referred to in this Ordinance 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 of the United States Government shall be valued at the market value thereof.

Section 15. Particular Covenants of the City. The City covenants with each of the purchasers and owners of any of the Series 1978 Bonds that so long as any of said Bonds remain outstanding and unpaid:

(a) The City will fix, establish, maintain and collect such rates, fees and charges for the use of or services rendered by the electric system of said City, including extensions, enlargements and improvements thereof, which rates, fees or charges shall be sufficient to pay the cost of operation, improvement and maintenance of said system, provide an adequate depreciation fund, pay the principal of and interest on all electric system revenue bonds issued by the City against said system and create and maintain reasonable reserve accounts as hereinbefore specified.

(b) None of the facilities or services afforded by the electric system of the City will be furnished to any user without a reasonable charge being made therefor. The City will pay monthly into the Electric Utility Fund for the electric energy or other service furnished the City for operating any City-owned sewer lift stations in accordance with effective applicable rates, fees and charges. In the event that the net revenues derived by the City from the operation of its electric system shall at any time prove insufficient to pay the principal of and interest on the Series 1978 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 effective applicable rates, fees and charges for all electric energy or other service furnished the City for lighting the City's streets and its public buildings and the facilities housed therein and any other service rendered by the City's electric system to the City or any of its departments, and such payments will continue so long as necessary to prevent any default in the payment of the principal of or interest on the Series 1978 Bonds, or so long as any default in such payment shall exist.

(c) The City will maintain in good repair and working order the City's electric system and will operate the same in an efficient manner and at reasonable cost. In such operation the City

will require the prompt payment of accounts and will discontinue electric service to any customer delinquent in the payment of his account for a period which shall not exceed 60 days.

(d) At the end of each fiscal year the City will cause the superintendent of its electric utility or 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 examination and report on the condition and operation of the City's electric system, such report to include recommendations as to any changes in such operation deemed desirable. 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 year. A copy of each such report will be filed in the office of the City Clerk and duplicate copies thereof shall be mailed promptly to E. F. Hutton & Company, Inc., Kansas City, Missouri.

(e) 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 electric system or any material part thereof, provided, however, the City may dispose of any property which has become obsolete, non productive, or otherwise unusable to the advantage of the City. Any cash proceeds derived from the sale of such property shall be used by the City to improve, extend or enlarge the City's electric system.

(f) The City will carry and maintain a reasonable amount of all-risk insurance upon the properties forming a part of its electric system insofar as they are of an insurable nature, the amount of such insurance being such amount as would normally be insured by a private corporation engaged in a similar type of business. In the event of loss or damage, the City, with all 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 in redeeming or purchasing first the Electric Light Plant and System Revenue Bonds, Series of 1971, and when none of such bonds remains outstanding, then in redeeming or purchasing the outstanding electric system revenue bonds of the City including the Series 1978 Bonds herein authorized or other electric system revenue bonds of the City hereafter issued in accordance with the conditions contained in this Ordinance and standing on a parity with the Series 1978 Bonds, such redemption or purchase being made in accordance with the provisions of this Ordinance relating to the redemption or purchase of Bonds. 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 any such policies shall be used in paying the claims on account of which such proceeds were received, provided, however, the City may elect to accept the provisions of the Workmen's Compensation Act of the State of Kansas as authorized by K.S.A. 44-505, and any amendments thereto hereafter enacted and, in such event, may elect to carry its own risk in accordance with the provisions of the statutes of the State of Kansas. The cost of all insurance referred to in this subsection (f) shall be paid as an operating cost out of the revenues of the City's electric system.

(g) 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 properties, business and affairs of the electric system of the City. Such accounts shall show the amount of revenue received from said utility, the application of such revenue 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 electric utilities. The City will operate its electric system on the basis of a fiscal year beginning on January 1 and ending on December 31. Annually, as soon as possible following the close of each fiscal year, the City will cause an audit to be made by a competent firm of certified public accountants experienced in public utility accounting of the accounts of its electric system for the preceding fiscal year. Each such audit, in addition to such matters as may be thought proper by said accountant, shall, without limiting the generality of the foregoing, include statements of gross revenues, operational expenditures, and net operational income and shall contain an operational balance sheet, a statement of profit and loss, a statement of all bonds called or matured and all interest paid, a statement of the number of customers served, a statement of the amount and character of all insurance carried, and a statement and summary of the accountants' recommendations as to the City's practices and procedures of electric system operations. Within 30 days after the completion of each such audit, said accountants shall file a copy thereof in the office of the City Clerk and shall forward copies of such audit to E. F. Hutton & Company, Inc., Kansas City, Missouri.

If such audit shall disclose that proper provision has not been made for all of the requirements of the law under which the Series 1978 Bonds are issued, and of this Ordinance, the City covenants and agrees that it will promptly proceed to cause to be charged for the services rendered by the City's electric system rates which will adequately provide for such requirements.

The City will cause to be prepared and mailed semiannually to E. F. Hutton & Company, Inc., Kansas City, Missouri, and to such others as may be designated from time to time by it a semiannual operating report showing the receipts and disbursements of its electric system.

(h) The holder of any of the Series 1978 Bonds of the City shall have the right at all reasonable times to inspect the electric system of the City, and all records, accounts and data relating thereto, and any such holder shall be furnished by the City all such information concerning said utility and the operation thereof which he may reasonably request.

(i) The City will punctually perform all duties and obligations with respect to the operation and maintenance of its electric system, including all extensions, enlargements and improvements thereof, now or hereafter imposed upon the City by the Constitution and laws of the State of Kansas and by the provisions of this Ordinance.

Section 16. Additional Bonds. The City hereby covenants and agrees that so long as any of the Series 1978 Bonds remain outstanding and unpaid it will not issue any additional revenue bonds payable from the revenues of its electric system which are superior in lien, security or otherwise to said Series 1978 Bonds.

The City hereby covenants and agrees that so long as any of the Series 1978 Bonds remain outstanding and unpaid said City will not issue any additional bonds or other obligations payable out of the revenues of its electric system which stand on a parity or equality with the Series 1978 Bonds unless all of the following conditions are met:

(a) The issuance of additional electric system revenue bonds shall be authorized or permitted under the laws of the State of Kansas.

(b) The City shall not be in default in making any payments at the time required to be made by it into the respective accounts created or established by this Ordinance.

(c) The average annual net income derived by the City from the operation of its electric system, such net income being defined as the gross income less only the reasonable expenses of operation, maintenance and repair of such system but before any other payments or charges, for the two fiscal years next preceding the issuance of additional bonds, shall have been equal to at least one hundred twenty-five percent (125%) of the maximum amount required to be paid out of said income in any succeeding fiscal year on account of both principal and interest becoming due with respect to all electric system revenue obligations of the City, including the additional revenue bonds proposed to be issued; provided, however, that if the City shall have made any increase in its charges for electricity and services rendered by the electric system and such increased charges shall not have been in effect during all of the twelve months next preceding the issuance of additional bonds, the City may retain an independent firm of consulting engineers having a reputation for knowledge, skill and experience in the construction and operation of municipal electric utilities to make a detailed investigation and report containing its opinion as to the amount of the net income (as hereinbefore defined) which the City would have received during said 12 months if said increased rates had been in effect during all of said 12 months, and said amount as determined and reported by said engineer or firm of engineers shall govern in determining the right of the City to issue additional parity bonds under the provisions aforesaid.

Additional electric system revenue bonds of the City issued under the conditions hereinbefore in this Section set forth shall stand on a parity with the Series 1978 Bonds and shall enjoy complete equality of lien on and claim against the revenues of the City's electric system with the Series 1978 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 a reasonable bond reserve account for the payment of such additional bonds and the interest thereon out of moneys in said Electric Utility Fund.

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, altering, repairing, improving, extending or enlarging the City's electric utility 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 that such additional revenue bonds or obligations shall be junior and subordinate to the Series 1978 Bonds so that if at any time the City shall be in default in paying either interest on or principal of the Series 1978 Bonds the City shall make no payments of either principal of or interest on said junior or 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 provisions for paying the principal of and interest on said revenue bonds or other revenue obligations out of moneys in the Electric Utility Fund.

Section 17. Amendments. The provisions of the Series 1978 Bonds and the provisions of this Ordinance may be modified or amended at any time by the City with the written consent of the holders of not less than seventy-five percent (75%) in aggregate principal amount of the Series 1978 Bonds at the time outstanding; provided, however, that no such modification or amendment shall permit or be construed as permitting (a) the extension of the maturity of the principal of any of the Bonds issued hereunder, or the extension of the maturity of any interest on any Bonds issued hereunder, or (b) a reduction in the principal amount of any Bonds or the rate of interest thereon, or (c) a reduction in the aggregate principal amount of Bonds the consent of the holders of which is required for any such amendment or modification. Any provision of the Series 1978 Bonds or of this Ordinance may, however, be modified or amended in any respect with the written consent of the holders of all of the Series 1978 Bonds then outstanding. Every amendment or modification of a provision of the Bonds or of this Ordinance to which the written consent of the bondholders is given as above provided shall be expressed in an ordinance of the City amending or supplementing the provisions of this Ordinance and shall be deemed to be a part of this Ordinance. It shall not be necessary to note on any of the outstanding Series 1978 Bonds any reference to such amendment or modification, if any. A certified copy of every such amendatory or supplemental ordinance, if any, and a certified copy of this Ordinance shall always be kept on file in the office of the City Clerk and shall be made available for inspection by the holder of any Bond or prospective purchaser of any Bond authorized by this Ordinance, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental ordinance or of this Ordinance will be sent by the City Clerk to any such bondholder or prospective bondholder.

Section 18. Acceleration in the Event of Default. The City agrees that if it shall default in the payment of the principal of or interest on any of its Series 1978 Bonds as the same shall become due and such default shall continue for a period of thirty (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 this Ordinance or of the statutes of the State of Kansas, then, at any time thereafter and while such default shall continue, the holders of twenty-five percent (25%) in amount of the Series 1978 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 1978 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 said Bonds contained to the contrary notwithstanding. This provision, however, is subject to the condition that if at any time after the principal of said Bonds shall have been so declared to be due and payable all arrears of interest upon all of said outstanding Bonds, except interest accrued but not 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 a majority in amount of the Series 1978 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 19. Remedies. The provisions of this Ordinance, including the covenants and agreements hereinbefore contained, shall constitute a contract between the City and the holders of the Series 1978 Bonds and the holder or holders of not less than ten percent (10%) 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 proceeding 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 the City and its officers, agents and employees to perform all duties and obligations required by the provisions of said ordinance or by the Constitution and laws of the State of Kansas.

(b) By suit, action or other proceeding 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.

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

Nothing contained in this Ordinance, however, 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 Series 1978 Bonds.

No remedy conferred hereby upon any holder of the Series 1978 Bonds is intended to be exclusive of any other remedy, but each such remedy is cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other

remedy conferred hereby. 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 the holder 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 may be enforced and exercised from time to time and as often as may be deemed expedient. In case any suit, action or proceeding to enforce any right or exercise any remedy shall be brought or taken and then discontinued or abandoned, or shall be determined adversely to the holders of the Bonds, then, and in every such case, the City and the holders of the Bonds shall be restored to their former positions and rights and remedies as if no such suit, action or other proceeding had been brought or taken.

Section 20. Defeasance. When all of the Series 1978 Bonds and all coupons representing interest thereon shall have been paid and discharged, then the requirements contained herein and the pledge of revenues made hereunder and all other rights granted hereby shall cease and determine. Bonds and coupons shall be deemed to have been paid and discharged within the meaning of this Ordinance if there shall have been deposited with a bank located in the State of Kansas and having full trust powers, at or prior to the maturity or redemption date of said 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 such investments, will be sufficient for the payment of the principal of said Bonds, the redemption premium thereon, if any there be, and interest accrued to the date of maturity or redemption, as the case may be, or if default in such payment shall have accrued on such date, then to the date of the tender of such payments, provided always that if any such Bond 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 Kansas bank by or on behalf of the City, for the purpose of paying and discharging any of the Bonds or coupons, shall be and are hereby assigned, transferred and set over to such Kansas bank in trust for the respective holders of the Bonds and coupons, and such moneys shall be and are hereby irrevocable appropriated to the payment and discharge thereof. All moneys deposited with said Kansas bank shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Ordinance.

Section 21. Severability. If any part of this Ordinance, whether large or small, shall be held invalid, the invalidity thereof shall not affect the other provisions of this Ordinance.

Section 22. Effective Date. This Ordinance shall take effect and be in full force from and after its passage and publication once in the official City newspaper.

PASSED by the City Council this 9th day of August, 1978.

APPROVED by the Mayor this 9th day of August, 1978.

Edward J. Toomey
Mayor

[SEAL]

ATTEST:

Joyce E. Martin
City Clerk

(Published _____, 1978)

ORDINANCE NO. 2460

AN ORDINANCE OF THE CITY OF GARNETT, KANSAS, APPROVING AND AUTHORIZING THE CREATION OF A PUBLIC WHOLESALE WATER SUPPLY DISTRICT AND THE EXECUTION, DELIVERY AND FILING OF AN AGREEMENT CREATING A PUBLIC WHOLESALE WATER SUPPLY DISTRICT; AND DETERMINING AND PRESCRIBING CERTAIN OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Garnett, Kansas (the "City"); Anderson County, Kansas; and Rural Water District No. 6, Anderson County, Kansas, (the "Members") desire to secure a source of water on a scale larger than is feasible for public water supply districts, municipalities, publicly and privately owned water distribution companies, acting alone; and

WHEREAS, the Legislature of the State of Kansas has enacted K.S.A. 1977 Supp. 19-3545 to 13-3566, inclusive (the "Act"), which permits the organization of a public wholesale water supply district by the Members; and

WHEREAS, the Act provides that the function of public wholesale water supply districts shall be to secure a source of water on a scale larger than is feasible for public water supply districts, municipalities, publicly and privately owned water distribution companies, acting alone and to sell such water at wholesale to public water supply districts, municipalities, and publicly and privately owned distribution companies; and

WHEREAS, in order to secure such a source of water, the City, in conjunction with the other Members desires to create a public wholesale water supply district; and

WHEREAS, the Act authorizes Public Agencies (as defined in the Act), such as the Members, to enter into an agreement with one or more other Public Agencies for the purpose of organizing a public wholesale water supply district;

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

Section 1. Findings and Determinations. It is hereby found and determined that it is necessary and desirable for the Members to form a public wholesale water supply district pursuant to the Act in order to secure a source of water on a scale larger than is feasible for public water supply districts, municipalities and publicly and privately owned water distribution companies, acting alone.

Section 2. Approval of Creation of Public Wholesale Water District. The creation of a wholesale water supply district by the Members is hereby approved.

Section 3. Approval of Agreement Creating Public Wholesale Water Supply District. To provide for the details of and to comply with the terms and conditions of the Act in creating the public wholesale water supply district, the City shall enter into an agreement creating a public wholesale water supply district substantially in the form attached hereto as Exhibit A, incorporated herein by reference and hereby approved.

Section 4. Execution and Delivery of Agreement Creating Public Wholesale Water Supply District. The Mayor and the City Clerk of the City are hereby authorized to execute, acknowledge and deliver the agreement creating a public wholesale water supply district authorized by this Ordinance; and the said agreement may contain such changes and additions from the form presented in Exhibit A as the officers executing and delivering the same may approve; and the execution and delivery thereof by such officers shall conclusively evidence their approval of any such changes or additions.

Section 5. Authorization and Approval of Filing of Agreement Creating Public Wholesale Water Supply District. The proper officers, agents and employees of the City are hereby authorized, empowered and directed to file the agreement creating a public wholesale water supply district with the Attorney General of the State of Kansas, the register(s) of deeds of the county or counties wherein the district is to be located and with the Secretary of State of the State of Kansas.

Section 6. Captions. The captions and headings of the paragraphs of this Ordinance are for convenience only and are not to be used to interpret or define the provisions hereof.

Section 7. Effective Date. This Ordinance shall take effect and be in force from and after its passage and publication in the official City paper.

PASSED AND APPROVED by the governing body of the City of Garnett, Kansas, the 23rd day of August, 1978.



[SEAL]

Edward J. Toomey
Mayor

ATTEST:

Joyce E. Martin
City Clerk

EXHIBIT A

AGREEMENT
CREATING
PUBLIC WHOLESALE WATER SUPPLY DISTRICT NO. ___

THIS AGREEMENT is entered into this _____ day of _____, 1978, by and between each and all of the following public agencies of the State of Kansas: The City of Garnett, Kansas; Anderson County, Kansas; and Rural Water District No. 6, Anderson County, Kansas (each being sometimes hereinafter singly referred to as "Member", and collectively referred to as "Members"), for the purpose of organizing a public wholesale water supply district under K.S.A. 1977 Supp. 19-3545 to 13-3556, inclusive (said K.S.A. 1977 Supp. 19-3545 to 13-3556, inclusive, as it may hereafter be amended or supplemented, being sometimes hereinafter referred to as the "Act");

IT IS HEREBY AGREED BY AND BETWEEN EACH AND ALL OF THE MEMBERS, PURSUANT TO THE PROVISIONS OF THE ACT, AS FOLLOWS:

ARTICLE I

Representations of Members

Each Member hereby represents that:

1. It is a "public agency" as defined by Section 2 of the Act, organized and existing under the laws of the State of Kansas;

2. It has, by appropriate action pursuant to law of its governing body, authorized execution of this Agreement, a copy of the ordinances and/or resolutions, marked Exhibits "A" through "C", inclusive, of the Members authorizing this Agreement are attached and are made a part hereof as though fully set out herein.

ARTICLE II

Creation

Pursuant to the provisions of the Act, there is hereby organized a public wholesale water supply district, which is sometimes hereinafter referred to as the "District".

The corporate name of the District shall be the corporate name given to it by the Secretary of State pursuant to Section 5 of the Act.

ARTICLE III

Duration

The duration of the District shall be perpetual, unless terminated in accordance with Article VIII of the Agreement.

ARTICLE IV

Purposes

The purposes of the District shall be:

(a) To secure an adequate source of treated or untreated water for the Members and for other public water supply districts, other municipalities and publicly and privately owned water distribution companies and to sell water wholesale to the Members and, if adequate water is available, to other public water supply districts, other municipalities and publicly and privately owned water distribution companies.

(b) To treat and purify water to make it fit for its intended use for those Members and for other public water supply districts, other municipalities and publicly and privately owned water distribution companies desiring treated water.

(c) To transport and distribute treated or untreated water to the purchasers thereof.

(d) To engage in any lawful act or activity for which public wholesale water supply districts may be organized under the Act.

ARTICLE V

Powers

The District shall have all the powers set out in the Act or otherwise permitted by law.

ARTICLE VI

Organization, Composition and Nature

1. Members. The members of the District shall be the Members. This Agreement may be amended to include additional public agencies (as defined in the Act) as Members by consent of two-thirds

the Members. Upon the effectiveness of such amendment the Members" shall be deemed to include such additional public agencies. Any Member may withdraw from this Agreement and the District by giving written notice to the Board of its desire to withdraw, evidenced by resolution or ordinance of its governing body and upon the vote of a majority of the Directors; provided, however, that if the Member requesting withdrawal shall have any unpaid assessment to the District the request for withdrawal shall not be voted upon by the Board of Directors until such time as the assessment has been paid in full or waived by the Board of Directors. The withdrawing Member shall not be entitled to receive any real or personal property of the District by reason of its withdrawal. Upon the effectiveness of any such withdrawal, the term "Members" shall be deemed to no longer include the withdrawn Member. Withdrawal of a Member shall not be deemed to terminate or diminish any obligations that such entity may have to the District pursuant to written agreements or contracts with the District separate and apart from this Agreement except as provided in such other agreements or contracts.

2. Board of Directors. The property and business of the District shall be managed by a Board of Directors. In addition to the powers and authorities expressly conferred upon the Board of Directors by this Agreement, the Board of Directors may exercise all powers of the District and take any lawful action on its behalf. The number of Directors shall initially be seven (7), such member to be increased by two (2) for each additional Member included pursuant to Paragraph 1 of this Article and decreased by two (2) for each Member which withdraws from the District and this Agreement pursuant to said Paragraph 1. The governing body of each Member shall appoint two (2) Directors and one Director (sometimes referred to herein as the "Director at Large") shall be elected by the other Directors by an affirmative vote of at least two-thirds (2/3) of the other Directors and approved in writing by at least two-thirds (2/3) of the Members. The Directors shall each be appointed or elected for a term of four years, except the first Directors appointed or elected shall serve for the following terms: (a) The two (2) representing the City of Garnett, Kansas -- one (1) shall be appointed for a term of two (2) years, and one shall be appointed for a term of four (4) years; (b) the two (2) representing Anderson County, Kansas -- each shall be appointed for a term of three (3) years; (c) the two (2) representing Rural Water District No. 6, Anderson County, Kansas -- one (1) shall be appointed for a term of two (2) years and one (1) shall be appointed for a term of (4) years; the Director at Large shall be elected for a term of one (1) year. Any Director appointed by a Member may be removed by the Member appointing him. The Director at large may be removed by an affirmative vote of at least two-thirds (2/3) of the Directors with the written consent of at least two-thirds (2/3) of the Members. In case of a vacancy caused by the removal, death, incapacity, disqualification or resignation of any Director, a successor Director shall be appointed or elected in the same manner as such Director was appointed or elected to serve for the remainder of such Director's unexpired term. No director shall receive compensation by the District for any service he may render to it. However, a director may be reimbursed for his actual expenses reasonably incurred in rendering service to the District in the administration of its affairs.

3. Bylaws and Other Rules and Regulations. The Bylaws and other rules and regulations of the District may be adopted, amended, supplemented or repealed, by affirmative vote of not less than two-thirds (2/3) of the Directors. The Bylaws may include, without limitation, the following:

(a) Provisions respecting the officers of the District and the powers and terms of the officers.

(b) The time, date and place of annual and regular meetings of the Directors, the method of calling special meetings, provisions for actions by unanimous consent in lieu of meetings, meetings by conference telephone or similar communications and such other matters respecting meetings of the Board of Directors or committees appointed by the Board of Directors as the Board of Directors deems appropriate.

(c) Provisions respecting the appointment of committees by the board of directors and the functioning of such committees.

(d) A provision for the indemnification of officers and Directors of the District.

(e) A provision for assessments of administrative and operating expenses against Members to be paid from funds available and budgeted for the current year, but such provision shall impose no obligation on any Member without specific agreement for such payment in writing.

(f) Other provisions consistent with the Constitution and laws of Kansas and this Agreement respecting matters affecting the business, objects and affairs of the Board of Directors and the District.

ARTICLE VII

Financial Matters

1. Financing. The Board of Directors shall determine the methods of obtaining financing for the District. The Board of Directors shall have the authority to finance the District in any manner set forth in the Act or otherwise permitted by law which is not inconsistent with this Agreement. In the event the District issues no-fund warrants pursuant to Section 10 of the Act, each of the Members agrees to pay any assessment assessed to it by the Board of Directors in accordance with said Section 10.

2. Budget and Financial Records. The District shall be subject to and comply with the budget and cash basis laws of the

State of Kansas. A copy of each budget shall be furnished to each Member promptly after it becomes available. The District shall keep books of record and account in which entries will be made of the dealings and transactions of, or in relation to, the business and affairs of the District, said books to be kept in accordance with K.S.A. 75-1120, as amended or supplemented from time to time. The Board of Directors shall cause an annual audit of books of records and account of the District to be made at the close of each fiscal year of the District, said audit to be conducted in accordance with K.S.A. 75-1117 et seq., as amended or supplemented from time to time. A copy of each audit report shall be furnished to each Member promptly after it becomes available.

ARTICLE VIII

District Property

Title to all real and personal property of the District shall be acquired, held and deposed of in the name of the District, unless otherwise required by law or by the terms of a gift or grant.

ARTICLE IX

Termination

This Agreement and the District may be terminated by the written consent to such termination by at least two-thirds (2/3) of the Members; provided that prior to such termination all indebtedness, warrants and other financial obligations of the District shall have been paid in full or there has been deposited in escrow with a state or national bank located in the State of Kansas and having full trust powers, cash or direct obligations of the government of the United States of America or obligations the payment of the principal of and interest on which is unconditionally guaranteed by the government of the United States of America, in amounts sufficient, together with the interest earned on such obligations without reinvestment, to pay such indebtedness, warrants and other financial obligations in full when due. Thereafter, the Board of Directors shall liquidate the District and distribute the net proceeds to the Members in a manner to be determined by it pursuant to law, taking into account, in such manner as the Board of Directors in its discretion deems appropriate, the relative contributions of cash and other property to the District and the relative water purchases of each of the Members, or in the event that the Board of Directors is unable to decide as to the manner in which the District shall be liquidated and the net proceeds distributed it shall be determined by a court of appropriate jurisdiction.

ARTICLE X

Amendments

This Agreement may be amended or supplemented in whole or in part by the vote of two-thirds (2/3) of the Board of Directors and approval of the Attorney General of the State of Kansas and the

filing of such Amendment with the Secretary of State and the Register of Deeds of the county or counties wherein the District is located.

ARTICLE XI

Effectiveness

This Agreement shall take effect upon its approval by the Attorney General of the State of Kansas and its filing with the Register of Deeds of Anderson County, Kansas, the Register of Deeds of Linn County, Kansas, and the Register of Deeds of Franklin County, Kansas.

IN WITNESS WHEREOF, the Members have each executed this Agreement as of the date first above written.

CITY OF GARNETT, KANSAS

By _____
Mayor

[SEAL]

ATTEST:

_____
City Clerk

ANDERSON COUNTY, KANSAS

By _____
Chairman of the Board of
County Commissioners

[SEAL]

ATTEST:

_____
County Clerk

RURAL WATER DISTRICT NO. 6,
ANDERSON COUNTY, KANSAS

By _____
Chairman

[SEAL]

ATTEST:

_____
Secretary

Garnett, Kansas

August 23, 1978

The Governing Body of the City of Garnett, Kansas, met in regular session on ~~July~~ August 23, 1978, at 7:30 o'clock p. m., at the City Hall in said City, the following being present:

Edward J. Toomey, Mayor, and

Dale Lybarger and Kenneth Calahan

, Commissioners.

The City Clerk, Joyce E. Martin, was present and performed the duties of said office.

Absent: None.

Minutes of the last meeting of the Governing Body were read and, upon motion duly made, seconded and carried, were approved.

Thereupon, Commissioner Lybarger presented and moved the adoption of an ordinance entitled "An ordinance of the City of Garnett, Kansas, approving and authorizing the creation of a public wholesale water supply district and the execution, delivery and filing of an agreement creating a public wholesale water supply district; and determining and prescribing certain other matters relating thereto."

Said motion was seconded by Commissioner Calahan.

Thereupon, said ordinance was read, considered, section by section, and was passed by the following vote:

Aye: Toomey, Lybarger and Calahan

Nay: None

The Mayor declared said ordinance duly adopted and the same was thereupon approved by the Mayor and attested by the City Clerk and was numbered Ordinance No. 2460.

* * * * * * * * * * *

(Other Proceedings)

On motion duly made, seconded and carried, the meeting duly adjourned.

Edward A. Toomey
Mayor

ATTEST:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2461

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 4, SUBSECTION (D) OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, AND PROVIDING FOR A DEMAND CHARGE FOR LARGE GENERAL SERVICE USERS OF THE MUNICIPAL ELECTRIC UTILITY WITHIN SAID CITY; PROVIDING AN EFFECTIVE DATE AND REPEALING THE EXISTING SUBSECTION OF SAID TITLE AS AMENDED.

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

SECTION 1: Title 4, Chapter 4, Section 4, Subsection (D) of the Municipal Code of the City of Garnett, Kansas, as the same was amended by Ordinance 2454, is hereby amended to read as follows:

(D) Large General Service:

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

Customer Charge: $4.50 per month

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

Energy Charge:

First	1,000 kWh per mo. at $.035
Over	1,000 kWh per mo. at $.032

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, Subsection (D) of the Municipal Code of the City of Garnett, Kansas, as amended by Ordinance 2454 is hereby repealed.

SECTION 3: EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after September 1, 1978, and after its publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED This 23rd day of August, 1978.

Edward J. Toomey
Mayor

Attest:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2462

AN ORDINANCE PROVIDING FOR HEARING PROCEDURES PRIOR TO TERMINATION OF UTILITY SERVICES; AMENDING TITLE 4, CHAPTER 4, SECTIONS 7, 8, AND 9 AND TITLE 7, CHAPTER 2, SECTION 19 OF THE MUNICIPAL CODE, AND REPEALING EXISTING SECTIONS OF SAID CHAPTERS AND TITLES.

WHEREAS, The United States Supreme Court has ruled in Memphis Light, Gas & Water Division vs. Craft, 46 LW 4398, decided May 1, 1978, that a municipal utility must provide its customers with an administrative procedure for hearing complaints prior to termination of service; and

WHEREAS, This City has always followed a practice of notifying its delinquent utility customers in advance of impending termination for nonpayment; and

WHEREAS, City personnel have always been willing to discuss informally any matters which a delinquent customer wishes to bring to the City's attention, but has not provided a formal hearing or procedures therefor; and

WHEREAS, City desires to comply with the rulings of the United States Supreme Court.

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

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

> 4-4-7: DELINQUENCY, DATE, AND CHARGES: All utility service charges, including, but not limited to, electric, water, gas, sanitary sewer service, and solid waste removal service shall be due and payable at the office of the City Clerk on the 1st day of the calendar month following the last day of the use month for which the charge is due and payable, and the same shall become delinquent on the 15th day of that calendar month. If said utility charges are not paid before the 15th day of the month, there shall be added a penalty of five per cent (5%) on amounts due below Two Hundred Dollars ($200.00) and an additional two per cent (2%) on those amounts due in the amount of Two Hundred Dollars ($200.00) or more and remaining unpaid.

SECTION 2: 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 NONPAYMENT OF BILLS; 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, the sum of Five Dollars ($5.00) for a turn on 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 1st 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 3: Title 4, Chapter 4, Section 9 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

> 4-4-9: ENFORCEMENT OF PAYMENT OF UTILITY BILLS: In the event that any utility bill remains unpaid for more than thirty (30) days after the date upon which the same is due and payable to the City, the City Manager is hereby authorized to file an action in the appropriate court and prosecute the same to judgment and recovery of the moneys due for services rendered.

SECTION 4: Title 7, Chapter 2, Section 19 of the Municipal Code of the City of Garnett, Kansas, is hereby amended to read as follows:

> 7-2-19: FAILURE TO PAY BILL: The charges for municipal solid waste collection and charges for other municipal utility services are hereby declared to be parts of one debt to the City, insofar as the same affect any one customer or consumer, and the refusal or failure to pay all or any part of such debt for any monthly period of service shall render the entire account delinquent as with other utility services and as set forth in Title 4, Chapter 4 of this Code. Late payment charges now or hereafter provided for any delinquent utility account shall also be applicable to charges for municipal refuse collection and any disconnection of any other city utilities occasioned by the application of this section shall subject the customer or consumer to all utility reconnection and reinstatement fees applicable at such time. Failure of the City to exercise fully the provisions of this section in any one case or at any one time shall not bar their full exercise subsequently. Neither shall imposition of any penalty, late payment charge, reconnection, or reinstatement fee, nor shall exercise of rights conferred hereunder bar the criminal prosecution for the violation of this chapter and, upon conviction in such a prosecution, the levying of a fine as provided in Section 22 of this chapter. However, nothing in this section shall be construed to deny any utility customer or consumer his rights to a hearing and notice thereof as provided in Title 4, Chapter 4, Section 8 of this Code.

SECTION 5: Title 4, Chapter 4, Sections 7, 8, and 9 and Title 7, Chapter 2, Section 19 of the Municipal Code, as the same sections now exist, be and they are hereby repealed.

SECTION 6: This Ordinance shall take effect and be in force from and after its passage and its publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED By the Commission this 13th day of September, 1978.

Edward Mooney
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2464

AN ORDINANCE REQUIRING THAT THE DRIVER'S LICENSE APPLICATION OF MINORS UNDER THE AGE OF SIXTEEN (16) YEARS BE FIRST SUBMITTED TO THE CHIEF OF POLICE OF THE CITY OF GARNETT AS PROVIDED BY CHPT. 44, §2, LAWS OF KANSAS 1978.

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

SECTION 1: That the driver's license application of every minor under the age of sixteen (16) years, residing within the City, shall be submitted first to the Chief of Police of said City, as chief law enforcement officer. The Chief of Police shall make a recommendation on each such application as to the necessity for the issuance of a restricted driver's license, as the same is defined by law, and such recommendation shall be forwarded with the application to the Division of Vehicles of the Department of Revenue, State of Kansas.

SECTION 2: The City Clerk shall, upon passage of this Ordinance, transmit a certified copy hereof to the Division of Vehicles, Department of Revenue of the State of Kansas.

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, and upon receipt of the certified copy aforesaid by the Division of Vehicles.

PASSED and APPROVED This 27th day of September, 1978.

Edward J Toomey
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2465

AN ORDINANCE PROVIDING FOR NO VEHICULAR PARKING ON A CERTAIN PART OF WEST THIRD AVENUE; SUPPLEMENTARY TO 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 Third Avenue for a distance of one hundred eighteen feet (118') due west from the center of Oak Street measured at the point of the two streets' intersection.

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 its publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED This 27th day of September, 1978.

Edward J Toomey
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2466

AN ORDINANCE LIMITING PARKING IN TWO CERTAIN PARKING STALLS TO BE KNOWN AS "HANDICAPPED PARKING STALLS"; ORDINANCE TO BE SUPPLEMENTAL TO TITLE 10, CHAPTER 2 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS.

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

SECTION 1: Limited Parking: It shall be unlawful for a driver who is not afflicted with a non-ambulatory or semi-ambulatory disability, or other condition of sight or co-ordination which renders ambulation difficult, to park or stand any vehicle in any of the following designated parking stalls, to-wit:

1. One (1) parking stall on the north side of and immediately adjacent to the west of the pedestrian crosswalk in the public parking lot south of the Anderson County Courthouse and within Block Forty-six (46) of the City of Garnett, Kansas;

2. One (1) parking stall on the south side of and immediately adjacent to the west of the pedestrian crosswalk on East Fourth Avenue between Oak and Main Streets within the City of Garnett, Kansas;

which are to be known as "Handicapped Parking Stalls" and marked with appropriate signs or painted curbing or both; provided, however, that nothing herein shall prevent a driver otherwise not qualified to park or stand his vehicle from lawfully doing so for the *bona fide* purpose of discharging or receiving a passenger so afflicted.

SECTION 2: This Ordinance is supplemental 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 The Anderson Countian, the official City newspaper.

PASSED and APPROVED, This 27th day of September, 1978.

Edward L. Toomey
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

Published in the Anderson Countian October , 1978

ORDINANCE NO. 2467

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 SANITARY SEWER IMPROVEMENTS IN BRYSON'S ADDITION AND MCDONNELL'S ADDITION.

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the construction of certain sanitary sewer improvements serving portions of Bryson's Addition and McDonnell's Addition; and

WHEREAS, the Governing Body of the City of Garnett has determined the total cost of said improvements to be $13,346.18 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
Lot Three (3) Block Two (2) Bryson Addition	$1,668.28
Lot Four (4) Block Two (2) Bryson Addition	1,668.28
Lot Five (5) Block Two (2) Bryson Addition	1,668.28
Lot Six (6) Block Two (2) Bryson Addition	1,668.28
Lot Seven (7) Block Two (2) Bryson Addition	1,668.28
A tract in Block Three (3) Bryson Addition commencing 164 feet North of the Southwest corner of said Block Three (3), thence North 100 feet, thence East to the East line of said Block, thence Southeasterly along said East line to a point directly East of the point of beginning, thence West to the point of beginning, being a part of Lots One (1) and Two (2), Block Three (3), Bryson Addition.	1,668.28
A tract described as Lot Two (2), Block Three (3), Less the south 72 feet thereof, Bryson Addition	1,668.28

All of McDonnell Addition $1,668.28

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 thirty (30) 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 seven percent (7%) per annum, the specific rate of interest being the average annual 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 11th day of October, 1978.

Edward J. Toomey
Mayor

Attest:

Joyce E. Martin
City Clerk

Published in the Anderson Countian October , 1978

ORDINANCE NO. 2468

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF GARNETT, KANSAS FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF IMPROVING CLEVELAND STREET FROM FOURTH AVENUE TO K-31 HIGHWAY.

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

WHEREAS, the Governing Body of the City of Garnett, Kansas has determined the total cost of such improvement to be $195,716.49 of which amount the City of Garnett's share is $58,714.95 and that sixty percent (60%) of said City share be paid by the City at large and that forty percent (40%) of said City share 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
Acres	
Westwood Addition (Block 22)	
25' of Lot 201	$ 115.81
½ of Lot 7 all of Lots 8 & 9	$1,366.54
Lot 6 & ½ of Lot 7	$ 694.85
Lot 5	$ 463.23
Lot 4	$ 463.23
Lot 3	$ 463.23
Lot 2	$ 463.23
Lot 1	$ 509.56
Orchard Park Addition	
Block 7	
All of odd numbered Lots 217 through 235 inclusive & 2' of Lot 215	$1,167.35
Lots 209, 211, 213, 23' of Lot 215, 20' of Lot 207	$ 546.62
Lots 201, 203, 205, 5' of Lot 207 and 40' of Vacated Street	$ 555.88
All even numbered lots 200 through 234 inclusive & 40' of Vacated Street	$2,269.85
All even numbered lots 300 through 322, 40' of Vacated Street, 20' of Vacated Alley & 140' of a Tract	$2,316.17

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 thirty (30) 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 seven percent (7%) per annum, the specific rate of interest being the average annual 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 11th day of October, 1978.

Edward J. Toomey
Mayor

Attest:
Joyce E. Martin
City Clerk

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Description of Property	Assessment
Orchard Park Addition	
Block 8	
All of odd numbered lots 107 through 135 inclusive, 5' of Lot 105 & 40' of Vacated Street	$1,945.58
Lots 101, 103, 20' of Lot 105 & 40' of Vacated Street	$ 509.56
Orchard Park Addition	
Block 21	
Lots 101, 103, 105, 107, 109, 111, 10' of Lot 113 and 40' of Vacated Street	$ 926.47
15' of Lot 13 & 25' of Lot 115	$ 185.29
Lots 117, 119, 121 & 15' of Lot 123	$ 416.91
Lots 125, 127, 129, 131, 133, 135, 10' of Lot 123 & 80' of Vacated Street	$1,111.76
Orchard Park Addition	
Block 6	
All even numbered lots 212 through 234 inclusive	$1,389.70
Lots 206, 208, 210 & 15' of Lot 204	$ 416.91
Lots 200, 202, 10' of Lot 204 and 40' of Vacated Street	$ 463.23
Orchard Park Addition	
Block 9	
Lots 128, 130, 132, 134 & 40' of Vacated Street	$ 648.53
Lots 122, 124, 126 & 10' of Lot 120	$ 393.75
Lots 108, 110, 112, 114, 116, 118 & 15' of Lot 120	$ 764.34
Lots 100, 102, 104, 106 & 5' of Vacated Street	$ 486.40
15' of Vacated Street	$ 69.49
Orchard Park Addition	
Block 20	
Lots 100, 102, 10' of Lot 104 and 60' of Vacated Street	$ 555.88
Lots 106, 108, 110 & 15' of Lot 104	$ 416.91
Lots 112, 114, 116, 118	$ 463.23
Lots 120, 122, 124, 126, 128, 130, 132, 134	$ 926.47
Orchard Park Addition	
Block 23	
All even numbered lots 200 through 234 inclusive & 40' of Vacated Street	$2,269.85
All even numbered lots 300 through 322, 40' of Vacated Street, 20' of Vacated Alley & 140' of a Tract	$2,316.17

Block 23
All even numbered lots 200 through 234 inclusive & 40' of Vacated Street $2,269.85
All even numbered lots 300 through 322, 40' of Vacated
Street, 20' of Vacated Alley & 140' of a Tract $2,316.17

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 thirty (30) 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 seven percent (7%) per annum, the specific rate of interest being the average annual 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 11th day of October, 1978.

Edward J. Toomey
Mayor

Attest:
Joyce E. Martin
City Clerk

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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 thirty (30) 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 seven percent (7%) per annum, the specific rate of interest being the average annual 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 ____ day of October, 1978.

Edward J. Toomey
Mayor

Attest:

Joyce E. Martin
City Clerk

BLOCK 23
All even numbered lots 200 through 234 inclusive & 40' of Vacated Street $2,269.85
All even numbered lots 300 through 322, 40' of Vacated
Street, 20' of Vacated Alley & 140' of a Tract $2,316.17

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 thirty (30) 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 seven percent (7%) per annum, the specific rate of interest being the average annual 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 11th day of October, 1978.

Edward J. Toomey
Mayor

Attest:
Joyce E. Martin
City Clerk

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ORDINANCE NO. 2469

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 HAYDEN'S LAKEVIEW ESTATES ADDITION:

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the improvement of certain streets in Hayden's Lakeview Estates Addition 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 $77,224.34 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
Lots One (1) through Forty-four (44), inclusive, and Lots Forty-eight (48) through Fifty-six (56), inclusive, Hayden's Lakeview Estates Addition (Revised 1977)	$1,457.06 each

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 thirty (30) 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 seven percent (7) 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 11th day of October, 1978.

Edward J. Toomey
Mayor

Attest:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2470

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, WATER MAIN EXTENSION AND SANITARY SEWER EXTENSION IMPROVEMENTS SERVING PORTIONS OF BLOCKS FIVE AND EIGHT, PARKLANE ADDITION (REVISED).

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the construction of certain street, water main extension and sanitary sewer extension improvements serving portions of Blocks Five and Eight, Parklane Addition (Revised); and

WHEREAS, the Governing Body of the City of Garnett has determined the total cost of said improvements to be $13,350.99 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	Assessments
Lot One (1) Block Eight (8)	$1,668.88
Lot Two (2) Block Eight (8)	$1,668.88
Lot Three (3) Block Eight (8)	$1,668.88
Lot Four (4) Block Eight (8)	$1,668.88
Lot Five (5) Block Five (5)	$1,668.88
Lot Six (6) Block Five (5)	$1,668.88
Lot Seven (7) Block Five (5)	$1,668.88
Lot Eight (8) Block Five (5)	$1,668.88
All in Parklane Addition (Revised)	$1,668.88

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 thirty (30) 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 seven percent (7%) per annum, the specific rate of interest being the average annual 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 fifteen (15) years, the levy for each year being one-fifteenth of the pricipal 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 11th day of October, 1978.

Edward J. Toomey, Mayor

Attest:

Joyce E. Martin, City Clerk

[Published October 19, 1978, in The Anderson Countian]

ORDINANCE NO. 2471

AN ORDINANCE DECLARING THAT PART OF THE APRIL 4, 1978, ELECTION ON THE PROPOSITION TO ISSUE NOT TO EXCEED $100,000 GENERAL OBLIGATION BONDS OF THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PURCHASING THE FOLLOWING FIRE-FIGHTING EQUIPMENT, TO-WIT: ONE PUMPER TRUCK OF A CAPACITY OF 1,000 GALLONS PER MINUTE; FIRE APPARATUS TO EQUIP NEW TRUCK, INCLUDING, BUT NOT LIMITED TO, HOSES, NOZZLES, FITTINGS, LADDERS, AND HANDTOOLS; BUILDING TO HOUSE MOTORIZED EQUIPMENT, TO BE NULL AND VOID AND ANY POWER TO ISSUE SAID BONDS TO BE FORFEITED AND ABANDONED.

WHEREAS, pursuant to Ordinance No. 2438, the City of Garnett, Kansas (the "City"), held a special bond election on April 4, 1978 on, among other things, the proposition to issue the general obligation bonds of the City in amount not to exceed $100,000, for the purpose of purchasing the following fire-fighting equipment, to-wit: one pumper truck of a capacity of 1,000 gallons per minute; fire apparatus to equip new truck, including, but not limited to, hoses, nozzles, fittings, ladders, and handtools; building to house motorized equipment, and

WHEREAS, the results of said election were 402 in favor of said proposition and 125 against said proposition, and

WHEREAS, due to a technical defect in the form of said proposition as it appeared on the ballot used at the said election, the election on said proposition was invalid,

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

Section 1. That part of the April 4, 1978, election on the proposition to issue the general obligation bonds of the City of Garnett, Kansas, in an amount not to exceed $100,000, for the purpose of purchasing the following fire-fighting equipment, to-wit: one pumper truck of a capacity of 1,000 gallons per minute, fire apparatus to equip new truck, including, but not limited to, hoses, nozzles, fittings, ladders, and handtools; building to house motorized equipment, is hereby declared and determined to be null and void.

Section 2. That any power and authority of the Governing Body of the City to issue any of the $100,000 general obligation bonds of the City for the purpose aforesaid is hereby declared to be forfeited and abandoned.

Section 3. That this ordinance shall not in any manner affect or limit the power and authority of the Governing Body of the City to issue the $50,000 of general obligation bonds of the City approved at said election for the purpose of purchasing the following fire-fighting equipment, to-wit: one 50 foot telescopic water tower, remote controlled, commonly called "Tele-Squirt", mounted upon a suitable truck chasis, together with necessary fire appratus to equip said truck.

Section 4. That any and all actions previously taken by the Governing body of the City inconsistent herewith are hereby set aside and rescinded.

Section 5. That this ordinance shall be in full force and effect from and after its passage and publication in the official City newspaper.

PASSED by the Board of Commissioners of the City of Garnett, this 11th day of October, 1978.

[SEAL]

ATTEST:

Edward J Toomey
Mayor

Joyce E. Martin
City Clerk

[Published October 19, 1978, in The Anderson Countian]

ORDINANCE NO. 2472

AN ORDINANCE PROVIDING FOR THE ACQUISITION BY CONSTRUCTION OR BY PURCHASE OF A BUILDING TO HOUSE FIRE-FIGHTING EQUIPMENT OF THE CITY OF GARNETT, KANSAS, AND PROVIDING THE MANNER OF PAYING FOR THE SAME.

WHEREAS, the Governing Body of the City of Garnett, Kansas, hereby finds and determines that it is necessary to acquire, by construction or by purchase, a building to house fire-fighting equipment of the City of Garnett, Kansas (the "City"), at an estimated cost of $ 33,445.00 , and

WHEREAS, the City has insufficient moneys on hand for expenditures for such purpose,

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

Section 1. That acquisition by the City, by construction or by purchase, of a building to house fire-fighting equipment of the City at an estimated cost of $ 33,445.00 is hereby authorized, approved and ordered.

Section 2. That the cost of acquiring said building shall be paid for by the issuance and sale of general obligation bonds of the City in an amount not to exceed $ 33,445.00 pursuant to K.S.A. 12-1736 to 12-1739, inclusive.

Section 3. That this ordinance shall be in full force and effect from and after its passage and publication in the official City newspaper.

PASSED by the Board of Commissioners of the City of Garnett, Kansas, this 11th day of October, 1978.

[SEAL]

ATTEST:

Edward Toomey
Mayor

Ada E. Martin
City Clerk

[Published October 19, 1978, in The Anderson Countian]

ORDINANCE NO. 2473

AN ORDINANCE PROVIDING FOR THE ACQUISITION OF FIRE-FIGHTING EQUIPMENT FOR THE CITY OF GARNETT, KANSAS, PROVIDING FOR THE MANNER FOR PAYING THE SAME AND AUTHORIZING THE PUBLICATION OF THE CITY'S INTENTION TO ACQUIRE SAID EQUIPMENT.

WHEREAS, the Governing Body hereby finds and determines that it is necessary to acquire fire-fighting equipment for the City of Garnett, Kansas (the "City"), including, but not limited to, a pumper truck with a capacity of 1,000 gallons per minute and necessary fire apparatus to equip said truck, at a cost of $ 66,555.00 , and

WHEREAS, the City has insufficient moneys on hand for expenditures for such purpose,

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

Section 1. That the acquisition by the City of fire-fighting equipment for the City, including, but not limited to, a pumper truck with a capacity of 1,000 gallons per minute and necessary fire appratus to equip said truck at a cost of $ 66,555.00 is hereby authorized and approved.

Section 2. That the cost of acquiring said fire-fighting equipment shall be paid for by the issuance and sale of the general obligation bonds of the City in an amount not to exceed $ 66,555.00 pursuant to K.S.A. 12-110c, said bonds not to be issued until after the giving of the notice and opportunity to protest said bonds as hereinafter provided.

Section 3. That the City Clerk is hereby authorized to publish the Notice of Intention, in substantially the form attached hereto, once in the official City newspaper, said Notice providing notice of the City's intention to acquire said fire-fighting equipment, the cost thereof, its intention to issue the general obligation bonds of the City pursuant to K.S.A. 12-110c to pay said costs and the opportunity to protest said bonds.

Section 4. That all such further action be taken as may be necessary in order to effect the issuance, sale and delivery of general obligation bonds of the City in accordance with the provisions of said statutes.

Section 5. That this Ordinance shall be in full force and effect from and after its passage and publication in the official City newspaper.

PASSED by the Board of Commissioners of the City of Kansas, this 11th day of October, 1978.



Edward Toomey
Mayor

Joyce E. Marks
City Clerk

ORDINANCE NO. 2476

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 $1.51 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, 1978, and after its publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED this 29th day of November, 1978.

Edward J. Toomey
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2477

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TEMPORARY NOTES OF THE CITY OF GARNETT, KANSAS, IN THE AGGREGATE AMOUNT OF $70,000.00, TO FINANCE A PART OF THE REPAIRS AND IMPROVEMENTS TO THE GARNETT MUNICIPAL SWIMMING POOL, A UTILITY.

WHEREAS, The City of Garnett, Kansas, is a municipality as defined by K.S.A. 10-101; and

WHEREAS, The City is the operator and owner of a certain utility, namely the Garnett Municipal Swimming Pool, and is, by the laws of the State of Kansas, authorized to issue bonds for the acquisition, construction, reconstruction, repair, extension, or enlargement of such utility; and

WHEREAS, The City can issue general obligation bonds for the improvement of such utility and accordingly is authorized by K.S.A. 10-1202 to issue revenue bonds for the same purposes; and

WHEREAS, It is necessary and desirable to undertake certain repairs and improvements upon said swimming pool, and it is herein so found, and to finance a part thereof by the issuance of revenue bonds in an amount not to exceed $70,000.00; and

WHEREAS, The notice of the intention of the said City to make such repairs and improvements and to pay for the same by the issuance of said revenue bonds was duly and regularly given by publication in the official City newspaper on the 13th day of April, 1978, and no written protest against the improvements or the issuance of said revenue bonds were filed with the City Clerk within fifteen (15) days thereafter, all as provided by law; and

WHEREAS, The said improvements and repairs are underway and the City has no funds with which to finance a part of such improvements not to exceed $70,000.00 until bonds therefor are issued; and

WHEREAS, Pursuant to K.S.A. 10-123 (Supp.) and Chapter 49 of the Laws of Kansas 1978, proper and full authority is conferred on the said City to issue its temporary notes for the purpose of financing a part of said swimming pool repairs and improvements in an amount not to exceed $70,000.00.

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 a part of the cost of repairs and improvements to the Garnett Municipal Swimming Pool, a utility, and until revenue 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 $70,000.00 in the aggregate, which said notes shall be consecutively numbered and shall bear interest at the rate of five per cent (5%) per annum and maturing on the 30th day of November, 1982, but shall be redeemable and cancelable 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 $70,000.00, the said sum being a part of such repair and improvement project for which such 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 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. 12-1302 and K.S.A. 10-1202 to issue revenue bonds for such purpose and by K.S.A. 10-123 (Supp.) and Chapter 49 of the Laws of Kansas 1978 to issue temporary notes for the payment of the same.

SECTION 5: 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 29th day of November, 1978.

Edward J. Toomey
Mayor

A T T E S T:

Jane E. Martin
City Clerk

(Published in The Anderson Countian on November __, 1978)

ORDINANCE NO. 2478

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE OF GENERAL OBLIGATION INTERNAL IMPROVEMENT BONDS, SERIES 1978, OF THE CITY OF GARNETT, KANSAS, IN THE SUM OF $147,700, FOR THE PURPOSE OF IMPROVING THE STREETS, WATERWORKS AND SANITARY SEWERS IN SAID CITY, PURSUANT TO K.S.A. 12-6a01 to 12-6a17, INCLUSIVE, FIXING THE DETAILS OF SAID BONDS AND PROVIDING FOR THE ANNUAL LEVY OF TAXES AND ASSESSMENTS TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY FALL DUE.

WHEREAS, pursuant to proceedings duly had in accordance with K.S.A. 12-6a01 to 12-6a17, inclusive, and all amendments thereto, the City of Garnett, Kansas, has made the following improvements, to wit:

(1) Construction of street, waterworks and sanitary sewer improvements in the Parklane Addition in the City of Garnett, Kansas,

(2) Construction of street improvements in the Hayden's Lakeview Estates Addition in the City of Garnett, Kansas,

(3) Construction of sanitary sewer improvements in the Bryson Addition and McDonnell Addition in the City of Garnett, Kansas, and

(4) Construction of street improvements to Cleveland Street from Fourth Avenue to K-31 Highway in the City of Garnett, Kansas.

WHEREAS, the governing body of said City now finds and determines tht the total costs of said improvements and expenses related to such improvements are $ 170,405.76 , part of which is to be paid by the City at large and part of which is chargeable to the property benefited, which latter part has been duly levied and assessed against the lots, pieces and parcels of land liable for special assessments for said improvements, and

WHEREAS, the owners of said lots, pieces and parcels of land liable for special assessments as aforesaid within the period specified by law have paid $22,705.76 in cash on account of said special assessments, leaving the balance of the total cost of said improvements, to wit, the sum of $ 147,700 as the cost of said improvements to be paid by the issuance of bonds of said City, and

WHEREAS, in order to pay the cost of said internal improvements, it is necessary for the City of Garnett, Kansas, to issue its General Obligation Internal Improvement Bonds, Series 1978, in the principal amount of $147,700, as hereinafter provided,

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

Section 1. That for the purpose of improving the streets, waterworks and sanitary sewers in said City, there shall be issued and hereby are issued General Obligation Internal Improvement Bonds, Series 1978, of the City of Garnett, Kansas, in the total principal amount of $147,700. Said issue shall consist of 30 bonds, numbered from 1 to 30, inclusive, bond numbered 1 being in the denomination of $2,700 and bonds numbered 2 to 30, inclusive, being in the denomination of $5,000 each. Said bonds shall be dated December 1, 1978, and said bonds shall become due serially on October 1 in each year, without option of prior payment, and shall bear interest as follows:

NUMBERS	AMOUNT	MATURITY OCTOBER 1	INTEREST RATE
1 - 3	$12,700	1980	5.60
4 - 6	15,000	1981	5.60
7 - 9	15,000	1982	5.60
10 - 12	15,000	1983	5.50
13 - 15	15,000	1984	5.50
16 - 18	15,000	1985	5.50
19 - 21	15,000	1986	5.50
22 - 24	15,000	1987	5.60
25 - 27	15,000	1988	5.60
28 - 30	15,000	1989	5.60

Interest on the Bonds shall be payable on April 1, 1980, and thereafter semiannually on October 1 and April 1 in each year. Both principal of and interest on said bonds shall be payable at the office of the State Treasurer of the State of Kansas, in the City of Topeka, Kansas.

Section 2. Said bonds shall be executed by the manual signature of the Mayor and shall be attested by the manual signature of the City Clerk and the corporate seal of the City shall be affixed thereto. Said bonds shall have interest coupons attached thereto representing the interest on said bonds, and said interest coupons shall bear the facsimile signatures of the Mayor and City Clerk of said City.

Section 3. Said bonds and the interest coupons and the certificates to appear on said bonds shall be in substantially the following form:

No. _____

$_____

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF ANDERSON

CITY OF GARNETT

GENERAL OBLIGATION INTERNAL IMPROVEMENT BONDS,
SERIES 1978

KNOW ALL MEN BY THESE PRESENTS: That the City of Garnett, in the County of Anderson, State of Kansas, for value received, hereby acknowledges itself to be indebted and promises to pay the bearer the sum of

_____ DOLLARS

in lawful money of the United States of America, on the First day of October, 19__, with interest thereon from the date hereof at the rate of _____ percent (_____%) per annum, payable on April 1, 1980, and thereafter semiannually on October 1 and April 1 in each year thereafter until the said principal sum shall have been paid, upon presentation and surrender of the interest coupons hereto attached as said coupons severally become due, both principal of and interest on this bond being payable at the office of the State Treasurer of the State of Kansas, in the City of Topeka, Kansas. And said City of Garnett, in the State of Kansas, is held and firmly bound by these presents, and the full faith, credit and resources of said City are hereby irrevocably pledged for the prompt payment of said principal and interest at maturity.

This bond is one of a series of 30 bonds of like date and tenor, excepting number, denomination, interest rate and maturity, aggregating the principal amount of $147,700, issued by the City of Garnett, Kansas, for the purpose of improving the streets, waterworks and sanitary sewers in said City by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and the laws of the State of Kansas including K.S.A. 12-6a01 to 12-6a17, inclusive, and all amendments thereto, and Article 1 of Chapter 10, K.S.A. and all amendments thereto, and all other provisions of the laws of said State applicable thereto, and this bond and all of the other bonds of said series, and all interest thereon, are to be paid by the City of Garnett, Kansas.

And 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 the total indebtedness of said City, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the said City of Garnett, in the State of Kansas, by its governing body has caused this bond to be signed by its Mayor and attested by its City Clerk , its corporate seal to be hereto affixed, the coupons hereto attached to be signed with the facsimile signatures of said officers and this bond to be dated this First day of December, 1978.

ATTEST: _____
Mayor

_____
City Clerk

FORM OF COUPON

The CITY OF GARNETT, Kansas, promises to pay to bearer the amount shown hereon in lawful money of the United States of America at the office of the STATE TREASURER OF THE STATE OF KANSAS, in the City of Topeka, Kansas, upon presentation and surrender of this coupon, being interest then due on its GENERAL OBLIGATION INTERNAL IMPROVEMENT BOND, SERIES 1978, dated December 1, 1978.

ON APRIL 1,
OCTOBER 1, 1978

$_____

Bond No. _____

Coupon No. ____

(facsimile)
Mayor

ATTEST:

(facsimile)
City Clerk

1-1278-002-002

STATE OF KANSAS)
) SS.
COUNTY OF ANDERSON)

I, the undersigned, City Clerk of the City of Garnett, Kansas, hereby certify that the within General Obligation Internal Improvement Bond, Series 1978, of the City of Garnett, Kansas, has been duly registered in my office according to law.

WITNESS my hand and official seal this _____.

City Clerk

OFFICE OF THE STATE TREASURER, STATE OF KANSAS

I, Joan Finney, Treasurer of the State of Kansas, hereby certify that a full and complete transcript of proceedings leading up to the issuance of this bond has been filed in my office, and that the within bond and the coupons hereto attached were registered in my office according to law, on _____.

WITNESS my hand and official seal.

Treasurer of the State of Kansas

By_____
Assistant State Treausrer

Section 4. The Mayor and City Clerk are hereby authorized and directed to prepare and execute in facsimile the bonds hereinbefore described and, when duly executed and registered, to deliver said bonds to _____, the purchaser thereof, upon receipt of the purchase price. The proceeds of said bonds shall be placed in the City Treasury and applied solely to pay the cost of the improvements hereinbefore described.

Section 5. The full faith, credit and resources of the City of Garnett, Kansas, shall be, and the same are hereby irrevocably pledged for the prompt payment of said bonds and all interest thereon as the same mature. The governing body of the City of Garnett, Kansas, shall annually make provision for the payment of said bonds and the interest thereon as the same become due by levying taxes and assessments upon the property liable therefor as provided by law.

Section 6. Any and all actions previously taken inconsistent herewith are hereby repealed.

Section 7. This ordinance shall take effect and be in force from and after its passage and publication in the official City paper.

PASSED this 29th day of November, 1978.

Edward Toomey
Mayor

ATTEST:

Joyce E. Martin
City Clerk

Published in the Anderson Countian December __, 1978

ORDINANCE NO. 2479

AN ORDINANCE AMENDING ORDINANCE NO. 2470 BY AMENDING SECTION 2 THEREOF AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR IN REGARD TO ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF GARNETT, KANSAS FOR THE PURPOSE OF PAYING THE COST OF CERTAIN STREET, WATER MAIN EXTENSION AND SANITARY SEWER EXTENSION IMPROVEMENTS SERVING PORTIONS OF BLOCK FIVE AND EIGHT, PARKLANE ADDITION (REVISED).

WHEREAS, pursuant to proceedings regularly had according to law, the Governing Body of the City of Garnett has previously passed and approved Ordinance No. 2470 levying assessments for certain improvements serving portions of Blocks Five and Eight, Parklane Addition (Revised); and

Whereas, the Governing Body of the City of Garnett now finds it advisable, necessary and expedient to amend said Ordinance No. 2470; and

WHEREAS, the property owners of record affected by said Ordinance No. 2470 are in agreement and consent to the necessity for said amendment to Ordinance No. 2470.

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

Section 1. Section 2 of Ordinance No. 2470 is hereby amended to read as follows: "Such amounts levied and assessed as set forth in Section 1 of Ordinance No. 2470, being due and payable, and a thirty (30) day period having passed since the publication of Ordinance 2470 and said amounts levied and assessed being unpaid, 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 seven percent (7%) per annum, the specific rate of interest being the average annual 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 2. This ordinance shall take effect and be in force from and after its publication as provided by law.

Passed and approved this 29th day of November, 1978.

Edward J. Toomey
Mayor

ATTEST:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2480

AN ORDINANCE DECLARING UNLAWFUL ANY TAMPERING WITH, DIRECT OR INDIRECT, UTILITIES EQUIPMENT OWNED BY THE CITY OF GARNETT, KANSAS.

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

SECTION 1: DEFINITION:

Tampering with utility equipment: Tampering with utility equipment is the unauthorized meddling or interference with or operation of, by means direct or indirect:

(a) Any switch, switch gear, fuse, transformer, insulator, wire, or other utility equipment owned by the City of Garnett and utilized by said City for the production, sale, transmission, or delivery of electrical energy, or of street and public way lighting service, including, but not limited to, ornamental and holiday lighting displays.

(b) Any valve, meter, pipe, pressure regulator, pump or other utility equipment owned by the City of Garnett and utilized by said City for the production, transmission, sale, or delivery of water or natural gas.

(c) Any pipe cleanout, lift station, sampling equipment, or treatment equipment, or other utility equipment owned by the City of Garnett and utilized by said City for the carrying, treatment, or disposal of sewerage.

SECTION 2: It shall be unlawful, and is hereby declared to be a misdemeanor for any person to tamper with utility equipment of the City of Garnett, Kansas.

SECTION 3: Any person violating this Ordinance shall, upon conviction thereof, be punished by a fine of not more than One Hundred Dollars or by imprisonment for not more than thirty (30) day or by both such fine and imprisonment.

PASSED and APPROVED This 29th day of NOVEMBER, 1978.

Edward J. Toomey
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

(Published in the Anderson Countian December 14, 1978)

ORDINANCE NO. 2481

AN ORDINANCE REPEALING ORDINANCE NO. 2479 PASSED BY THE GOVERNING BODY OF THE CITY OF GARNETT, KANSAS, ON NOVEMBER 29, 1978, AND AMENDING ORDINANCE NO. 2470 PASSED BY THE GOVERNING BODY OF THE CITY ON OCTOBER 11, 1978, BOTH OF SAID ORDINANCES PERTAINING TO ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PAYING THE COST OF CERTAIN STREET, WATER MAIN EXTENSION AND SANITARY SEWER EXTENSION IMPROVEMENTS SERVING PORTIONS OF BLOCKS FIVE AND EIGHT, PARKLANE ADDITION (REVISED).

WHEREAS, pursuant to proceedings regularly had according to law, the Governing Body of the City of Garnett, Kansas, on October 11, 1978, passed and approved Ordinance No. 2470 entitled "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, WATER MAIN EXTENSION AND SANITARY SEWER EXTENSION IMPROVEMENTS SERVING PORTIONS OF BLOCKS FIVE AND EIGHT, PARKLANE ADDITION (REVISED)" (hereinafter "Ordinance No. 2470), which Ordinance levied assessments for certain improvements; and

WHEREAS, said Ordinance No. 2470 provided that the amounts levied and assessed in said Ordinance were payable in installments over a period of fifteen (15) years, the levy for each year being one-fifteenth of the principal amount of the assessment; and

WHEREAS, the thirty-day period for paying without interest the assessments levied pursuant to Ordinance No. 2470 expired and none of the assessments were paid; and

WHEREAS, the City of Garnett, Kansas, sold bonds pursuant to K.S.A. 12-6a01 to 12-6a17, inclusive, and all amendments thereto, to finance the costs of the project for which Ordinance No. 2470 levied assessments, said bonds maturing in substantially equal installments over a ten (10) year period; and

WHEREAS, the period for payment of installments of the assessments levied by Ordinance No. 2470 should be changed to ten (10) years to coincide with the maturity scheduled of the bonds; and

WHEREAS, on November 29, 1978, the Governing Body passed Ordinance No. 2479 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 2470 BY AMENDING SECTION 2 THEREOF AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR IN REGARD TO ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PAYING THE COST OF CERTAIN STREET, WATER MAIN EXTENSION AND SANITARY SEWER EXTENSION IMPROVEMENTS SERVING PORTIONS OF BLOCK FIVE AND EIGHT, PARKLANE ADDITION (REVISED)", which Ordinance attempted to amend Ordinance No. 2470 but was incomplete; and

WHEREAS, all the owners of property assessed by Ordinance No. 2470 have consented and agreed in writing to the amending of Ordinance No. 2470 to provide a ten (10) year period for payment of the installments of the assessments levied by Ordinance No. 2470, and said owners have also waived their right to any additional thirty day period for paying without interest the assessments levied by Ordinance No. 2470 and have waived their right to bring any suit to set aside said assessments or otherwise question any aspect of the proceedings pertaining to the improvements aforesaid.

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

Section 1. Ordinance No. 2479, entitled "AN ORDINANCE AMENDING ORDINANCE NO. 2470 BY AMENDING SECTION 2 THEREOF AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR IN REGARD TO ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF GARNETT, KANSAS, FOR THE PURPOSE OF PAYING THE COST OF CERTAIN STREET, WATER MAIN EXTENSION AND SANITARY SEWER EXTENSION IMPROVEMENTS SERVING PORTIONS OF BLOCK FIVE AND EIGHT, PARKLANE ADDITION (REVISED)" is hereby rescinded, repealed and cancelled.

Section 2. Ordinance No. 2470 entitled "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, WATER MAIN EXTENSION AND SANITARY SEWER EXTENSION IMPROVEMENTS SERVING PORTIONS OF BLOCKS FIVE AND EIGHT, PARKLANE ADDITION (REVISED)" is hereby amended by repealing Section 2 of said ordinance and, in lieu thereof, by inserting the following section:

> "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 thirty (30) 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 seven percent (7%) per annum, the specific rate of interest being the average annual 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. From and after the effective date of this ordinance, Ordinance No. 2470 shall consist of Ordinance No. 2470, as modified and amended by this ordinance, and all of the terms contained in Ordinance No. 2470 that are not expressly or by necessary implication amended or modified by this ordinance shall remain in full force and effect; provided, however, that whenever there shall be a conflict between the terms of Ordinance No. 2470 and the terms of this ordinance, this ordinance shall govern.

Section 4. This ordinance shall take effect and be in force from and after its publication as provided by law.

Passed and approved this 13 day of December, 1978.

Edward J. Toomey

[SEAL] Edward J. Toomey, Mayor

ATTEST:

Joyce E. Martin

Joyce E. Martin, City Clerk

ORDINANCE NO. 2482

AN ORDINANCE GENERALLY DESIGNATING MAXIMUM SPEED LIMITS FOR MOTOR VEHICLES ON DESIGNATED STREETS WITHIN THE CITY OF GARNETT, KANSAS; FIXING MAXIMUM SPEED LIMIT FOR MAPLE STREET; FIXING MAXIMUM SPEED LIMIT FOR A PART OF OAK STREET; DESIGNATING OTHER PARTS OF OAK STREET AND A PART OF WALNUT STREET AS A SCHOOL ZONE, AMENDING TITLE 10, CHAPTER 8, SECTION 1(D) OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS; REPEALING CONFLICTING SECTIONS.

WHEREAS, Maple Street, for its entire length within the City of Garnett, Kansas, is a connecting link of U. S. 59 Highway and although principally a business district, said street is of such a design as to permit motor vehicles to operate at a maximum speed limit of 30 m.p.h., except as controlled by Chapter 8 of Title 10 of the Municipal Code; and

WHEREAS, A part of Oak Street from its intersection with Third Avenue north to its intersection with the alley between and parallel to First and Second Avenues poses certain special hazards to vehicular traffic and pedestrians by reason of its being immediately adjacent to the main City business district and the location along the west and east sides thereof of commercial or non-residential uses and accordingly that the maximum speed limit should be fixed at 20 m.p.h.; and

WHEREAS, The present designated school zone in and about the Garnett High School, as defined in Title 10, Chapter 8, Section 1(D) of the Municipal Code, is unreasonably short and does not provide an adjacent zone of reasonable safety during periods of increased vehicular and pedestrian use during periods when school is in session and should accordingly be extended.

NOW, THEREFORE, 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 a vehicle in excess of 30 m.p.h. over and upon Maple Street within the City of Garnett, Kansas; providing, however, nothing herein shall be construed to restrict application of Chapter 8 of Title 10 of the Municipal Code relating to school zones insofar as the same controls traffic on the said Maple Street.

SECTION 2: There is hereby established as the maximum lawful speed and no person shall drive a vehicle in excess of 20 m.p.h. over and upon that part of Oak Street within the City of Garnett, Kansas, commencing at the intersection of said Street and Third Avenue of said City and running north to the intersection of the alley between and running parallel to First and Second Avenues of said City.

SECTION 3: Title 10, Chapter 8, Section 1(D) is hereby amended to read as follows:

> (D) North Walnut Street between the intersection of Kaw Avenue and Park Road;
>
> Oak Street between the intersection of Park Road and the alley lying between and parallel to First and Second Avenues.

SECTION 4: Title 10, Chapter 8, Section 1(D) as the same now exists in the Municipal Code of the City of Garnett, Kansas, and all

other ordinances, or parts thereof, which are in conflict, be and the same are hereby repealed.

SECTION 4: EFFECTIVE DATE. 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 December, 1978.

Edward J. Toomey
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

[Published in The Anderson Countian on January 11, 1979]

ORDINANCE NO. 2485

AN ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE MAIN SEWERS OF THE CITY OF GARNETT, KANSAS, BY CONSTRUCTING INTERCEPTOR SEWERS, FORCE MAINS, MODIFICATIONS TO EXISTING SEWAGE PUMPING STATIONS AND RELATED EXTENSIONS AND IMPROVEMENTS AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

WHEREAS, the entire City of Garnett, Kansas (the "City"), constitutes one district for sewer purposes in which main sewers are constructed at the expense of the entire City pursuant to K.S.A. 12-618, and

WHEREAS, for the purpose of improving the main sewers of the City, the Governing Body of the City hereby finds and determines it is necessary to construct interceptor sewers, force mains, modifications to existing sewage pumping stations and related extensions and improvements pursuant to plans and specifications prepared by the City's consulting engineers, the consulting engineers having estimated the total cost of the construction of the entire project to be approximately $271,702.50, and

WHEREAS, on November 29, 1978, the City received and publicly opened and read bids for the construction of the aforesaid improvements, which bids are presently being reviewed by the United States Environmental Protection Agency, and

WHEREAS, the United States Environmental Protection Agency has agreed to fund 75% of the cost of the project or approximately $203,776.00 subject to the said Agency's approval of the final construction contract, and

WHEREAS, the City must make provision to pay the remaining portion of the cost of the aforesaid project, the City not having sufficient funds on hand to pay such costs,

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

Section 1. The main sewers of the City shall be improved by constructing interceptor sewers, force mains, modifications to existing sewage pumping stations and related extensions and improvements, said work to be divided into four sections as follows:

SECTION I - This section consists of furnishing and installing approximately 1,797' of 12" and 1,680' of 10" interceptor sewer, manholes, encasement conduit for highway crossing and appertinent work.

SECTION II - This section consists of furnishing and installing approximately 600' of 6" force main, encasement conduit for railroad crossing, modifications to the existing north pumping station, and appertinent work.

SECTION III - This section consists of furnishing and installing approximately 1,320' of 6" force main, modifications to the existing south pumping station and appertinent work.

SECTION IV - This section consists of furnishing and installing approximately 255' of 10" interceptor sewer and appertinent work.

Section 2. Based on the bids received for the construction of the aforesaid work, the total estimated cost of the aforesaid improvements, as determined by the City's consulting engineers, will be approximately $271,702.50, which estimate is hereby approved.

Section 3. That a portion of the costs of the aforesaid improvements will be paid from a grant from the United States Environmental Protection Agency which has agreed, subject to final approval of the construction contract, to fund 75% of the cost of the project or approximately $203,776.00.

Section 4. It is hereby found and determined that the remainder of the costs of said improvements shall be paid by the City through the issuance of general obligation bonds payable from taxes levied on all taxable tangible property in the City, pursuant to and under the authority of K.S.A. 12-618 and Article I of Chapter 10, K.S.A., and all amendments thereto.

Section 5. This ordinance shall take effect and be in force from and after its publication as provided by law.

PASSED AND APPROVED this 10th day of January, 1979.

Edward J. Toomey

[SEAL] Edward J. Toomey, Mayor

ATTEST:

Joyce E. Martin, City Clerk

ORDINANCE NO. 2487

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 $1.61 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, 1979, and after its publication in The Anderson Countian, the official City newspaper.

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

Edward L. Toomey
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE No. 2489

AN ORDINANCE AMENDING TITLE 7, CHAPTER 2, SECTIONS 15 AND 18 OF THE MUNICIPAL CODE RELATING TO SERVICE FEES FOR THE COLLECTION AND DISPOSITION OF SOLID WASTE; PROVIDING EFFECTIVE DATE; REPEALING EXISTING SECTIONS OF SAID TITLE AND CHAPTER.

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

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

7-2-15: SERVICE FEES: A refuse service charge of four dollars ($4.00) per calendar month shall be levied against each residential dwelling unit for the collection and disposition of solid waste as required by this Chapter.

Commercial refuse service charges shall be determined by the City Manager, subject to approval of the governing body. In no case, however, shall such commercial rates be less than that charged a dwelling unit. In determining commercial rates the City Manager shall consider such factors as the nature and quantity of refuse collected, the number of collections each month, and accessibility to the place of collection. In addition to such commercial refuse service charge, there shall be added to each commercial customer's account a monthly rental charge for any trash storage bin or container furnished by the City of Garnett, as follows:

For each 1 cu. yd. container:	$4.00
For each 1 1/2 cu. yd. container:	5.00
For each 2 cu. yd. container:	5.50
For each 3 cu. yd. container:	6.50

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

7-2-18: PARTIAL SERVICE; EXCEPTIONS:

(A) Any person, firm or corporation at the time of beginning or terminating service who receives service for a period of fewer than eighteen (18) consecutive days shall be billed at one-half (1/2) the rate for such service; for service of eighteen (18) or more consecutive days the charge shall be at the full monthly rate.

(B) Where collections are to be made from households of a single occupant regardless of age, such household shall be entitled to a special rate of three dollars ($3.00) per month, which shall entitle said household to regular residential refuse collection and disposal services. It shall be the duty of any householder making application for exception under this subsection to furnish the City with sufficient proof, either by affidavit or otherwise, that he is entitled to such exception.

Section 3. Title 7, Chapter 2, Section 15 and Section 18 of the Municipal Code of the City of Garnett, Kansas, as the same presently exist, are hereby repealed.

Section 4. This ordinance shall take effect and be in force from and after April 1, 1979, following passage and approval and publication in The Anderson Countian, the official city newspaper.

PASSED and APPROVED this 14th day of March, 1979.

Edward J. Toomey
Mayor

ATTEST:

Joyce E. Martin
City Clerk

(Published in the Garnett Review on March 19, 1979)

ORDINANCE NO. 2490

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE OF FIRE PROTECTION BONDS, SERIES 1979A, OF THE CITY OF GARNETT, KANSAS, IN THE SUM OF $150,000, FOR THE PURPOSE OF PURCHASING FIRE FIGHTING EQUIPMENT FOR THE CITY AND PURCHASING A BUILDING TO HOUSE FIRE-FIGHTING EQUIPMENT OF THE CITY, PURSUANT TO K.S.A. 12-110c AND K.S.A. 12-1736 to 12-1739, INCLUSIVE, FIXING THE DETAILS OF SAID BONDS AND PROVIDING FOR THE ANNUAL LEVY OF TAXES TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY FALL DUE.

WHEREAS, pursuant to K.S.A. 12-110c and all other provisions of the laws of the State applicable thereto, by proceedings duly had, including a special bond election held on April 4, 1978, and Ordinance No. 2473, and other action duly and legally taken, the City of Garnett, Kansas, has purchased fire-fighting equipment, and

WHEREAS, the total cost of said fire-fighting equipment has been ascertained and determined to be at least in the amount of $116,555.00, and

WHEREAS, pursuant to K.S.A. 12-1736 to 12-1739, inclusive, and all other provisions of the laws of the State applicable thereto, by proceedings duly had, including Ordinance No. 2472, and other action duly and legally taken, the City of Garnett, Kansas, has approved the purchase of a building to house fire-fighting equipment of the City, and

WHEREAS, the total cost of said building has been ascertained and determined to be at least in the amount of $33,445.00, and

WHEREAS, in order to pay the cost of said equipment and building, it is necessary for the City of Garnett, Kansas, to issue its Fire Protection Bonds, Series 1979A, in the principal amount of $150,000, as hereinafter provided,

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

Section 1. That for the purpose of paying the cost of purchasing fire-fighting equipment for the City and purchasing a building to house fire-fighting equipment of the City, there shall be issued and hereby are issued Fire Protection Bonds, Series 1979A, of the City of Garnett, Kansas, in the total principal amount of $150,000. Said issue shall consist of 30 bonds, numbered from 1 to 30, inclusive, each in the denomination of $5,000. Said bonds shall be dated March 1, 1979, and said bonds shall become due serially on October 1 in each year, without option of prior payment, and shall bear interest as follows:

NUMBERS	AMOUNT	MATURITY OCTOBER 1	INTEREST RATE
1 - 2	$10,000	1980	6.00%
3 - 4	10,000	1981	6.00%
5 - 6	10,000	1982	6.00%
7 - 8	10,000	1983	6.00%
9 - 10	10,000	1984	6.00%
11 - 12	10,000	1985	6.00%
13 - 14	10,000	1986	6.00%
15 - 16	10,000	1987	5.40%
17 - 18	10,000	1988	5.40%
19 - 20	10,000	1989	5.40%
21 - 22	10,000	1990	5.50%
23 - 24	10,000	1991	5.55%
25 - 26	10,000	1992	5.60%
27 - 28	10,000	1993	5.65%
29 - 30	10,000	1994	5.70%

Interest on the Bonds shall be payable on April 1, 1980, and thereafter semiannually on October 1 and April 1 in each year. Both principal of and interest on said bonds shall be payable at the office of the State Treasurer of the State of Kansas, in the City of Topeka, Kansas.

Section 2. Said bonds shall be executed by the manual signature of the Mayor and shall be attested by the manual signature of the City Clerk and the corporate seal of the City shall be affixed thereto. Said bonds shall have interest coupons attached thereto representing the interest on said bonds, and said interest coupons shall bear the facsimile signatures of the Mayor and City Clerk of said City.

Section 3. Said bonds and the interest coupons and the certificates to appear on said bonds shall be in substantially the following form:

No. _____ $_____

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF ANDERSON

CITY OF GARNETT

FIRE PROTECTION BONDS, SERIES 1979A

KNOW ALL MEN BY THESE PRESENTS; That the City of Garnett, in the County of Anderson, State of Kansas, for value received, hereby acknowledges itself to be indebted and promises to pay the bearer the sum of

FIVE THOUSAND DOLLARS

in lawful money of the United States of America, on the First day of October, 19__, with interest thereon from the date hereof at the rate of _____ percent (____%) per annum, payable on April 1, 1980, and thereafter semiannually on October 1 and April 1 in each

year thereafter until the said principal sum shall have been paid, upon presentation and surrender of the interest coupons hereto attached as said coupons severally become due, both principal of and interest on this bond being payable at the office of the State Treasurer of the State of Kansas, in the City of Topeka, Kansas. And said City of Garnett, in the State of Kansas, is held and firmly bound by these presents, and the full faith, credit and resources of said City are hereby irrevocably pledged for the prompt payment of said principal and interest at maturity.

This bond is one of a series of 30 bonds of like date, denomination and tenor, excepting number, interest rate and maturity, aggregating the principal amount of $150,000, issued by the City of Garnett, Kansas, for the purpose of purchasing fire-fighting equipment of the City and purchasing a building to house fire-fighting equipment of the City by the authority of and in full compliance with the provisions, restrictions and limitations of the Constituion and the laws of the State of Kansas including K.S.A. 12-110c and K.S.A. 12-1736 to 12-1739, inclusive, and all amendments thereto, and Article 1 of Chapter 10, K.S.A. and all amendments thereto, and all other provisions of the laws of said State applicable thereto, and this bond and all of the other bonds of said series, and all interest thereon, are to be paid by the City of Garnett, Kansas.

And 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 the total indebtedness of said City, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the said City of Garnett, in the State of Kansas, by its governing body has caused this bond to be signed by its Mayor and attested by its City Clerk, its corporate seal to be hereto affixed, the coupons hereto attached to be signed with the facsimile signatures of said officers and this bond to be dated this First day of March, 1979.

ATTEST: _____
Mayor

_____
City Clerk

FORM OF COUPON

The CITY OF GARNETT, Kansas, promises to pay to bearer the amount shown hereon in lawful money of the United States of America at the office of the STATE TREASURER OF THE STATE OF KANSAS, in the City of Topeka, Kansas, upon presentation and surrender of this coupon, being interest then due on its FIRE PROTECTION BONDS, SERIES 1979A, dated March 1, 1979.

ON APRIL 1,
OCTOBER 1,

$_____

Bond No. _____

Coupon No. ____

ATTEST: (facsimile)
Mayor

(facsimile)
City Clerk

1-0379-001-003

STATE OF KANSAS)
) SS.
COUNTY OF ANDERSON)

I, the undersigned, City Clerk of the City of Garnett, Kansas, hereby certify that the within Fire Protection Bonds, Series 1979A, of the City of Garnett, Kansas, has been duly registered in my office according to law.

WITNESS my hand and official seal this _____.

City Clerk

OFFICE OF THE STATE TREASURER, STATE OF KANSAS

I, Joan Finney, Treasurer of the State of Kansas, hereby certify that a full and complete transcript of proceedings leading up to the issuance of this bond has been filed in my office, and that the within bond and the coupons hereto attached were registered in my office according to law, on _____.

WITNESS my hand and official seal.

Treasurer of the State of Kansas

By_____
Assistant State Treasurer

Section 4. The Mayor and City Clerk are hereby authorized and directed to prepare and execute the bonds hereinbefore described and, when duly executed and registered, to deliver said bonds to Stifel, Nicolaus & Company, Inc., the purchaser thereof, upon receipt of the purchase price. The proceeds of said bonds shall be placed in the City Treasury and applied solely to pay the cost of the improvements hereinbefore described.

Section 5. The full faith, credit and resources of the City of Garnett, Kansas, shall be, and the same are hereby irrevocably pledged for the prompt payment of said bonds and all interest thereon as the same mature. The governing body of the City of Garnett, Kansas, shall annually make provision for the payment of said bonds and the interest thereon as the same become due by levying and collecting the necessary taxes therefor as provided by law.

Section 6. This ordinance shall take effect and be in force from and after its passage and publication in the official City paper.

PASSED this 14th day of March, 1979.

[SEAL]

Mayor

City Clerk

Garnett Review
(Published in The Anderson County Review on March 19, 1979)

ORDINANCE NO. 2491

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE OF SEWER SYSTEM BONDS, SERIES 1979B, OF THE CITY OF GARNETT, KANSAS, IN THE SUM OF $71,000, FOR THE PURPOSE OF PAYING PART OF THE COST OF CONSTRUCTING SEWER SYSTEM IMPROVEMENTS IN SAID CITY, PURSUANT TO K.S.A. 12-618, FIXING THE DETAILS OF SAID BONDS AND PROVIDING FOR THE ANNUAL LEVY OF TAXES TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY FALL DUE.

WHEREAS, pursuant to K.S.A. 12-618 and all other provisions of the laws of the State applicable thereto, by proceedings duly had, including Ordinance No. 2485, and other action duly and legally taken, the City of Garnett, Kansas, has contracted for the construction of certain sewer improvements, including the construction of interceptor sewers, force mains, modifications to existing sewage pumping stations and related extensions and improvements, and

WHEREAS, the total cost of constructing said sewer system improvements is estimated to be $271,702.50, and the United States Environmental Protection Agency has agreed to pay 75% of the costs of said sewer system improvements or approximately $203,776.00, and

WHEREAS, the total cost to the City of said sewer system improvements including bond issuance costs has been determined to be at least $71,000, and

WHEREAS, in order to pay the cost of said sewer system improvements, it is necessary for the City of Garnett, Kansas, to issue its Sewer System Bonds, Series 1979B, in the principal amount of $71,000, as hereinafter provided,

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

Section 1. That for the purpose of paying part of the cost of constructing sewer system improvements in said City, there shall be issued and hereby are issued Sewer System Bonds, Series 1979B, of the City of Garnett, Kansas, in the total principal amount of $71,000. Said issue shall consist of 19 bonds, numbered from 1 to 19, inclusive, bonds numbered 1 to 6, inclusive, being in the denomination of $1,000 each and bonds numbered 7 to 19, inclusive, being in the denomination of $5,000 each. Said bonds shall be dated March 1, 1979, and said bonds shall become due serially on October 1 in each year, without option of prior payment, and shall bear interest as follows:

NUMBERS	AMOUNT	MATURITY OCTOBER 1	INTEREST RATE
1	$ 1,000	1980	6.00%
2	1,000	1981	6.00%
3	1,000	1982	6.00%
4	1,000	1983	6.00%
5 - 7	7,000	1984	6.00%
8	5,000	1985	6.00%
9	5,000	1986	6.00%
10	5,000	1987	5.40%
11	5,000	1988	5.40%
12	5,000	1989	5.40%
13	5,000	1990	5.50%
14	5,000	1991	5.55%
15	5,000	1992	5.60%
16 - 17	10,000	1993	5.65%
18 - 19	10,000	1994	5.70%

Interest on the Bonds shall be payable on April 1, 1980, and thereafter semiannually on October 1 and April 1 in each year. Both principal of and interest on said bonds shall be payable at the office of the State Treasurer of the State of Kansas, in the City of Topeka, Kansas.

Section 2. Said bonds shall be executed by the manual signature of the Mayor and shall be attested by the manual signature of the City Clerk and the corporate seal of the City shall be affixed thereto. Said bonds shall have interest coupons attached thereto representing the interest on said bonds, and said interest coupons shall bear the facsimile signatures of the Mayor and City Clerk of said City.

Section 3. Said bonds and the interest coupons and the certificates to appear on said bonds shall be in substantially the following form:

No. _____ $_____

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF ANDERSON

CITY OF GARNETT

SEWER SYSTEM BONDS, SERIES 1979B

KNOW ALL MEN BY THESE PRESENTS: That the City of Garentt, in the County of Anderson, State of Kansas, for value received, hereby acknowledges itself to be indebted and promises to pay the bearer the sum of

_____ THOUSAND DOLLARS

in lawful money of the United States of America, on the First day of October, 19__, with interest thereon from the date hereof at the rate of _____ percent (_____%) per annum, payable on April 1, 1980, and thereafter semiannually on October 1 and April 1 in each

year thereafter until the said principal sum shall have been paid, upon presentation and surrender of the interest coupons hereto attached as said coupons severally become due, both principal of and interest on this bond being payable at the office of the State Treasurer of the State of Kansas, in the City of Topeka, Kansas. And said City of Garnett, in the State of Kansas, is held and firmly bound by these presents, and the full faith, credit and resources of said City are hereby irrevocably pledged for the prompt payment of said principal and interest at maturity.

This bond is one of a series of 19 bonds of like date and tenor, excepting number, denomination, interest rate and maturity, aggregating the principal amount of $71,000, issued by the City of Garentt, Kansas, for the purpose of paying part of the cost of constructing sewer system improvements in said City by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and the laws of the State of Kansas including K.S.A. 12-618 and all amendments thereto and Article 1 of Chapter 10, K.S.A. and all amendments thereto, and all other provisions of the laws of said State applicable thereto, and this bond and all of the other bonds of said series, and all interest thereon, are to be paid by the City of Garnett, Kansas.

And 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 the total indebtedness of said City, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the said City of Garnett, in the State of Kansas, by its governing body has caused this bond to be signed by its Mayor and attested by its City Clerk, its corporate seal to be hereto affixed, the coupons hereto attached to be signed with the facsimile signatures of said officers and this bond to be dated this First day of March, 1979.

ATTEST: _____
Mayor

_____
City Clerk

FORM OF COUPON

The CITY OF GARNETT, Kansas, promises to pay to bearer the amount shown hereon in lawful money of the United States of America at the office of the STATE TREASURER OF THE STATE OF KANSAS, in the City of Topeka, Kansas, upon presentation and surrender of this coupon, being interest then due on its SEWER SYSTEM BONDS, SERIES 1979B, dated March 1, 1979.

ON APRIL 1,
OCTOBER 1,

$_____

Bond No. _____

Coupon No. _____

ATTEST: _____ (facsimile)
Mayor

_____ (facsimile)
City Clerk

1-0379-001-004

STATE OF KANSAS)
) SS.
COUNTY OF ANDERSON)

I, the undersigned, City Clerk of the City of Garnett, Kansas, hereby certify that the within Sewer System Bonds, Series 1979B, of the City of Garentt, Kansas, has been duly registered in my office according to law.

WITNESS my hand and official seal this _____.

_____
City Clerk

OFFICE OF THE STATE TREASURER, STATE OF KANSAS

I, Joan Finney, Treasurer of the State of Kansas, hereby certify that a full and complete transcript of proceedings leading up to the issuance of this bond has been filed in my office, and that the within bond and the coupons hereto attached were registered in my office according to law, on _____.

WITNESS my hand and official seal.

_____
Treasurer of the State of Kansas

By _____
Assistant State Treasurer

Section 4. The Mayor and City Clerk are hereby authorized and directed to prepare and execute the bonds hereinbefore described and, when duly executed and registered, to deliver said bonds to Stifel, Nicolaus & Company, Inc., the purchaser thereof, upon receipt of the purchase price. The proceeds of said bonds shall be placed in the City Treasury and applied solely to pay the cost of the improvements hereinbefore described.

Section 5. The full faith, credit and resources of the City of Garnett, Kansas, shall be, and the same are hereby irrevocably pledged for the prompt payment of said bonds and all interest thereon as the same mature. The governing body of the City of Garnett, Kansas, shall annually make provision for the payment of said bonds and the interest thereon as the same become due by levying and collecting the necessary taxes therefor as provided by law.

Section 6. This ordinance shall take effect and be in force from and after its passage and publication in the official City paper.

PASSED this 14th day of March, 1979.

CITY OF GARNETT [SEAL]

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2493

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, corporations, 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. First one thousand (1,000) gallons of water consumed each month, two dollars fifty cents ($2.50) per month, which shall be the minimum sewer charge.

2. For the next four thousand (4,000) gallons of water consumed each month at the rate of forty cents (40¢) per each one thousand (1,000) gallons.

3. For the next fifteen thousand (15,000) gallons of water consumed each month at the rate of thirty cents (30¢) per each one thousand (1,000) gallons.

4. All over twenty thousand (20,000) gallons of water consumed each month at the rate of twenty-five cents (25¢) per each one thousand (1,000) gallons.

5. 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 two dollars fifty cents ($2.50) per month until a base consumption of water for such user or customer is determined as above provided.

(B) For each customer receiving water from the City's water supply system and having a sewer connection directly or indirectly with the City's sewage treatment plant and 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.

(C) 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 monthly sewer charge of three dollars fifty cents ($3.50).

(D) 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 April, 1979, 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 28th day of March, 1979.

Edward L. Mooney
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2494

AN ORDINANCE AMENDING ARTICLE 9 OF ORDINANCE NO. 2230 RELATING TO PROCEDURES TO SUPPLEMENT, CHANGE OR GENERALLY REVISE THE BOUNDARIES OR REGULATIONS CONTAINED IN SUCH ZONING ORDINANCE; REPEALING CONFLICTING SECTIONS OF SAID ORDINANCE.

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

SECTION 1: Article 9 of Ordinance 2230 is hereby amended to read as follows:

ARTICLE 9 - DISTRICT CHANGES AND REGULATION AMENDMENTS:

9-101: COMMISSION MAY AMEND ORDINANCE. Whenever the public necessity, convenience, general welfare, or a good zoning practice require, the City Commission may from time to time by ordinance, supplement, change, or generally revise the boundaries or regulations contained in this zoning ordinance by the amendment procedures set out in K.S.A. 12-708 or any act of the Legislature amendatory thereto.

9-102: CONTENTS OF APPLICATION. Applications for any change of district boundaries or classifications of property as shown on the Official Zoning Map and for amendment of regulation governing use of land within each zone classification shall be made upon such forms and shall be accompanied by such data and information as may be from time to time prescribed for that purpose by the City Commission, so as to assure the fullest practicable presentation of facts for the permanent record of the City Planning Commission and City Commission. All such applications shall be presented to the Secretary of the Planning Commission at City Hall. Such data shall include, but not be limited to a plat or other map drawn accurately to a scale of not less than 100 feet to the inch in those cases in which any supplement, change or revision will affect specific property and such specific property shall then be shown and its precise location given with each boundary clearly marked and other tracts within 200 feet of such affected land also similarly designated. Each application shall be verified as to the truth and correctness of the facts and material allegations presented in the application and such verification shall be made positively by someone with actual knowledge thereof. Applications initiated by the Planning Commission or the City Commission shall be accompanied by such Commission's own motion pertaining to such proposed amendment. If such proposed amendment is not a general revision of the existing ordinance and will affect specific property, the application shall include a list of all owners of record of lands located within 200 feet of the area proposed to be altered.

9-103: APPLICATIONS PENDING - ZONING CERTIFICATE AND BUILDING PERMIT APPLICATIONS STAYED. Whenever there is pending before either the Planning Commission or the City Commission any application for an amendment, the effect of which would be to change or amend the Official Zoning Map from a less restricted district to a more restricted district classification, no zoning certificate or building permit shall be issued which would authorize the construction of any structure or the establishment of any use within the affected area, which would become nonconforming if such application be granted; provided, however, such stay of issuance

of either a zoning certificate or a building permit shall not extend beyond sixty (60) calendar days from the date such application be filed with the Secretary of the Planning Commission, unless the City Commission shall, by ordinance, provide for a longer period of stay upon the finding of good cause or necessity therefor.

9-104: CONSIDERATION BY CITY COMMISSION. After receiving the report of the Planning Commission, or the "failure to recommend" of the Planning Commission, the City Commission may proceed to consider the application at its next regularly scheduled commission meeting, or at a special commission meeting called for such purpose. If the City Commission shall take up such matter sooner than fourteen (14) days after the date of the conclusion of the public hearing pursuant to publication notice, the ordinance adopting such amendment shall not be passed, except by at least a three-fourths (3/4ths) vote of all of the members of the said City Commission.

9-105: FEES. Each application for a zoning amendment, except those initiated by the Planning Commission or the City Commission, shall be accompanied by a fee of twenty-five dollars ($25.00), unless a greater amount shall be determined by the Planning Commission to be necessary to cover the costs of publishing, posting, and mailing notices of required hearings, in which case the application shall be accompanied by such greater sum.

SECTION 2: Article 9 of Ordinance 2230 and all other provisions of said ordinance 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 The Anderson Countian, the official City newspaper.

PASSED and APPROVED, This 28th day of March, 1979.

Edward J. Toomey
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2495

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 $1.76 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, 1979, and after its publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED this 11th day of April, 1979.

Dale Lyburger
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2496

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

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

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

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

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

Section 1. That all unpaid utility bills shown on the attached list in the amount of $2,463.73, incurred through December 31, 1978 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 11th day of April, 1979.

Dale Ryburger
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

Attachment to Ordinance No. 2496

George Hess	$ 16.23
Jerry Reece	43.95
Bill Hazlett	24.33
Gene Hermreck	225.17
David Castleberry	97.73
Robert R. Dufort	38.01
Robert R. Dufort	87.01
Annette Martin	100.67
Jim Lankford	141.09
Edmond Jaegar	20.89
David Chamberlain	29.08
Lawrence Collins	29.95
Wendell Hardwick	25.91
Leonard Smiley	37.34
George Wright	59.65
Marvin Bentley	20.28
James R. Jones	60.50
Jimmy Stewart	54.69
Moseley Hamilton	28.91
Jerry N. McKinley	101.18
Lloyd Weiss	41.68
William R. Holmes	17.63
Danny Kirkpatrick	98.98
Jack Bouse	7.02
A. T. Brooks	133.36
Lilly Giles	11.84
Elmer Chapman	16.02
Martin E. Teasley	7.93
William Brown	38.37
Thomas Calcott	60.21
Charles Christopher	105.63
Joe E. Phillips	16.51
Richard Ellington	50.40
Leon Prince	59.29
Dave Moyer	52.22
Lonnie McDowall	92.95
Dennis Hastert, Jr.	33.77
Beverly Holmes	48.58
Patricia J. Bradley	134.64
Billie Smith	50.33
James Setter	143.80
	$2,463.73

ORDINANCE NO. 2499

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 $1.61 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, 1979, and after its publication in The Anderson Countian, the official City newspaper.

PASSED and APPROVED this 23rd day of May, 1979.

Dale L. Langley
Mayor

A T T E S T:

Joyce E. Martin
City Clerk

ORDINANCE NO. 2500

AN ORDINANCE AMENDING TITLE 8, CHAPTER 4, SECTION 1; AND TITLE 4, CHAPTER 6, SECTIONS 4 AND 8 OF THE MUNICIPAL CODE OF THE CITY OF GARNETT, KANSAS, RELATING TO CHARGES FOR AND 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 4 of the Municipal Code is hereby amended by the addition of the following sub-sections, 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: Title 4, Chapter 6, Section 8 of the Municipal Code is hereby amended to read as follows:

4-6-8: REVENUE PLACED IN SEPARATE FUND: The revenue derived from the charges for the use of the sewage disposal system shall be placed in the City Treasury and kept in a separate, non-lapsing fund known as the "Sanitary Sewer Operation, Maintenance and Replacement Fund" and shall not be paid out or distributed, except for the purpose of operating, maintaining, and renewing the sewage disposal system and for the payment of salaries of the employees engaged in operating said system. Such fund shall be kept in two (2) primary accounts as follows:

(a) An account designated for the specific purpose of defraying operating and maintenance costs, but specifically excluding replacement costs, of the sewage disposal system; and

(b) An account designated for the specific purpose of insuring replacement needs over the useful life of the sewage disposal system. Deposits in the replacement account shall be made annually from the revenues in an amount of $ 2,000 .

Balances on hand at the end of each fiscal year in the said two (2) primary accounts 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. Moneys or funds which have not been transferred temporarily from other sources to meet shortages in the operation, maintenance, and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charges elsewhere provided in this chapter. Such charges shall be adjusted so that transferred moneys will be returned to their respective accounts within the fiscal year immediately following that in which the moneys were borrowed.

SECTION 3: Title 8, Chapter 4, Section 1 of the Municipal Code is hereby amended by the addition of the following terms and definitions set opposite each, which such terms the Municipal Codifier is directed to insert in alphabetical order in said Section with other terms therein stated and defined, to-wit:

OPERATION AND MAINTENANCE: The term "Operation and Maintenance" shall mean all expenditures during the useful life of the sewage works for materials, labor, utilities, and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

REPLACEMENT: The term "Replacement" shall mean expenditure for obtaining and installing equipment, accessories, or appertenances which are necessary during the useful life of the sewage works to maintain the capacity and performance for which such works were designed and constructed. The term "Operation and Maintenance" ordinarily includes replacement, unless the context of any section or subsection specifically calls for the contrary.

SECTION 4: All sections, subsections of the Municipal Code which are in conflict herewith 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, Kansas.

PASSED and APPROVED By the Commission this 23rd day of May, 1979.

Dale Fybarger
Mayor

A T T E S T:

City Clerk