CHARTER ORDINANCE NO. 2016-01

A CHARTER ORDINANCE EXEMPTING THE CITY OF ALMENA, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-201, RELATING TO THE ELECTION OF OFFICERS, THEIR TERMS OF OFFICE, TRANSITIONS TO NOVEMBER ELECTIONS, THE FILLING OF GOVERNING BODY VACANCIES, AND NOMINATION PETITIONS; AND PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALING CHARTER ORDINANCE NO. 4.

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

SECTION ONE. The City of Almena, Kansas, by the power vested in it by Article 12, Section 5 of the Kansas Constitution hereby elects to and does exempt itself and make inapplicable to it the provisions of K.S.A. 15-201, which applies to this City, but is part of an enactment, which does not apply uniformly to all cities.

SECTION TWO. The governing body shall consist of a Mayor and five Council members to be elected to terms as set forth herein. The Mayor and Council members shall be residents and qualified electors of the City of Almena, Kansas.

SECTION THREE. Those governing body positions with terms expiring in April 2017, shall expire on the second Monday in January of 2018, when the City officials elected in the November 2017 general election take office. Those governing body positions with terms expiring in April 2019, shall expire on the second Monday in January of 2020, when the City officials elected in the November 2019 general election take office.

SECTION FOUR. General elections shall take place on the Tuesday succeeding the first Monday in November 2017. Succeeding elections will be held every two years for all such governing body positions whose terms have expired. A Mayor and two Council members shall be elected at one election, and the remaining three Council members shall be elected at the succeeding election. The Mayor and all Council members shall have four-year terms.

SECTION FIVE. In case of a vacancy in the Council occurring by reason of resignation, death or removal from office or from the City, the Mayor, by and with the advice and consent of the remaining Council members, shall appoint an elector to fill the vacancy until the next election for that office. In case any person elected as a council member neglects or refuses to qualify within 30 days after election, the Council member shall be deemed to have refused to accept the office and a vacancy shall exist. The Mayor may, with the consent of the remaining council members, appoint a suitable elector to fill the vacancy.

SECTION SIX. In case of a vacancy in the office of Mayor, the President of the Council shall become Mayor until the next regular election for that office and a vacancy shall occur in the office of the Council member becoming Mayor.

SECTION SEVEN. In accordance with K.S.A. 25-205, and amendments thereto, any person may become a candidate for City office elected at large by having had filed on their behalf, a nomination petition or a declaration of candidacy, accompanied by any fee required by law. The nomination petition must be signed by 2 % of the qualified electors of the City of Almena.

SECTION EIGHT. This charter ordinance shall be published once each week for two consecutive weeks in the official City newspaper.

SECTION NINE. This charter ordinance shall take effect 61 days after final publication, unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided by Article 12, Section 5, Subsection (c)(3) of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by the majority of the electors voting thereon. Charter Ordinance No. 4 is hereby repealed.

PASSED AND APPROVED by the governing body, not less than two-thirds of the members elect voting in favor thereof, this 4 day of January, 2016.

CITY OF ALMENA, KANSAS

(Seal)

Clay Madden, Mayor

ATTEST:

Stacy Whitney

Stacy Whitney, City Clerk

Proof of Publication

State of Kansas, Norton County

Dana M. Paxton

of lawful age, being duly sworn upon oath, states that he/she is the designated representative of the Norton Telegram.

That said newspaper has been published at least one hundred (100) times a year and has been so published for at least on year prior to the first publication of the attached notice:

That said paper has a general paid circulation in Norton County, Kansas, and is not a trade, religi or fraternal publication and has been published i Norton County, Kansas.

The attached was published on the following dates in a regular issue of the said newspaper:

First publications was made on the 5th day of FEBRUARY, 2016

Second publication was made on the 12th day of FEBRUARY, 2016

Third publication was made on the ___ day of _____, 2016

Publication fee	$ 209.60
Affidavit, Notary's fees	$
Additional copies	$
TOTAL publication fees	$ 209.60

(Sign) Dana M. Paxton

Witness my hand this 18th day of FEBRUARY, 2016

Subscribed and Sworn to before me this _____ day of _____, 2016. State of Kansas, County of Norton.

Sonya B. Montgomery

SONYA B. MONTGOMERY
Notary Public - State of Kansas
My Appt. Expires 7-6-16

•PUBLIC NOTICE•

CHARTER ORDINANCE NO. 2016-01

Published in The Norton Telegram on Friday, February 5, and Friday, Febr 12, 2016

CHARTER ORDINANCE NO. 2016-01

A CHARTER ORDINANCE EXEMPTING THE CITY OF ALMENA, KANSAS FROM THE PROVISIONS OF K.S.A. 15-201, RELATING TO THE ELECTION OF OFFICERS, THEIR TERMS OF OFFICE, TRANSITIONS TO NOVEM BER ELECTIONS, THE FILLING OF GOVERNING BODY VACANCIES AND NOMINATION PETITIONS; AND PROVIDING SUBSTITUTE ANI ADDITIONAL PROVISIONS ON THE SAME SUBJECT; AND REPEALIN CHARTER ORDINANCE NO. 4.

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SECTION FIVE. In case of a vacancy in the Council occurring by reason of r signation, death or removal from office or from the City, the Mayor, by and with advice and consent of the remaining Council members, shall appoint an elec to fill the vacancy until the next election for that office. In case any person elec as a council member neglects or refuses to qualify within 30 days after electi the Council member shall be deemed to have refused to accept the office an vacancy shall exist. The Mayor may, with the consent of the remaining cou members, appoint a suitable elector to fill the vacancy.

SECTION SIX. In case of a vacancy in the office of Mayor, the President of Council shall become Mayor until the next regular election for that office an vacancy shall occur in the office of the Council member becoming mayor.

SECTION SEVEN. In accordance with K.S.A. 25-205, and amendments there any person may become a candidate for City office elected at large by having t filed on their behalf, a nomination petition or a declaration of candidacy, acco panied by any fee required by law. The nomination petition must be signed by of the qualified electors of the City of Almena.

SECTION EIGHT. This charter ordinance shall be published once each w for two consecutive weeks in the official City newspaper.

SECTION NINE. This charter ordinance shall take effect 61 days after final p lication, unless a sufficient petition for a referendum is filed, requiring a referend to be held on the ordinance as provided by Article 12, section 5, Subsection (c of the Constitution of the State of Kansas. In which case this Charter Ordinar shall become effective upon approval by the majority of the electors voting there Charter Ordinance No. 4 is hereby repealed.

PASSED AND APPROVED by the governing body, not less than two-thirds the members elect voting in favor thereof, this 4 day of January, 2016.

CITY OF ALMENA, KANS
Clay Madden, May

ATTEST: Stacy Whitney, City Clerk

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ORDINANCE NO. 36

Being an ordinance repealing ordinances 1 to 28 inclusive and amendments thereto.

Be it ordained by the Mayor and Councilmen of the City of Almena, Kansas,

SECTION 1. Ordinances numbered 1 to 28 inclusive of the City of Almena, Kansas and amendments thereto are hereby repealed.

SECTION 2. This ordinance shall be in full force and effect on and after one publication in The Almena Plaindealer.

APPROVED: W. G. WELD, Mayor

ATTEST: A. A. DAVIS,
City Clerk.

This ordinance was passed May 2, 1898
Published May 5, 1898.

ORDINANCE NO. 38

Being an ordinance defining personal individual offense against the peace, morals and safety of citizens, affixing penalties for violation.

Be it ordained by the Mayor and Councilmen of the City of Almena, Kansas,

SECTION 1. Any person or persons who shall within the City of Almena, disturb the peace of the City, or of any neighborhood, person or persons, or who shall disturb any political, religious or any other lawful meeting or assembly shall be deemed guilty of an offense and on conviction thereof shall be fined in any sum not exceeding one hundred dollars and in failure of payment thereof shall be confined in the city or county jail not exceeding 60 days.

SECTION 2. Any person or persons who shall within the city of Almena commit any assault, battery, affray or riot shall be deemed guilty of an offense and on conviction shall be fined in any sum not exceeding one hundred dollars, and in failure of payment thereof shall be confined in the city or county jail not exceeding 60 days.

SECTION 3. Any persons who shall within the City of Almena carry about his or her person any fire-arms or other deadly or dangerous weapon or weapons, whether concealed or otherwise, or who shall discharge any fire-arms, or set off any fire-crackers or other fireworks or throw any fire-balls or any other ignited matter or who shall make any bonfires within twenty feet of any wooden building or other combustible matter or set fire to any rubbish and carelessly or recklessly burn the same or leave it unwatched shall be deemed guilty of an offense and on conviction shall be fined in any sum not exceeding one hundred dollars, Provided, however, the Mayor may grant permission by proclamation or otherwise on occasions for the discharge of fire-arms, fire-crackers or other fireworks.

SECTION 4. Any person who shall within the City of Almena wilfully throw any stone, brick or other missile along or across any street, avenue or alley or into any place of public resort or at or against any house building, vehicle or domestic animal, or who shall deface or destroy any building sign or other property, or who shall do any other act of malicious mischief, shall be deemed guilty of an offense and on conviction shall be fined in any sum not exceeding one hundred dollars and in failure of payment thereof shall be confined in the city or county jail not exceeding 60 days.

SECTION 5. Any person who shall within the City of Almena, appear or be found in any street, avenue or alley or in any place of public resort in an intoxicated condition shall be deemed guilty of an offense and on conviction shall be fined in any sum not exceeding one hundred dollars and in failure of payment thereof shall be confined in the city or county jail not exceeding 60 days.

SECTION 6. Any person who shall within the city of Almena intentionally ride or drive any horse or other beast along any street, avenue or alley faster than an ordinary traveling gait, or who shall intentionally leave any horse or other beast without the same being properly hitched, fastened or tied, shall be deemed guilty of an offense and on conviction shall be fined in any sum not exceeding one hundred dollars, and in failure of payment thereof shall be confined in the city or county jail not exceeding 60 days.

SECTION 7. Any person who shall within the City of Almena wilfully or without just cause obstruct any street, avenue or alley, or sidewalk by piling any boxes, barrels, stone, earth or other material or dig, excavate or tear up any street, avenue, alley or sidewalk, unless such person is repairing the same, shall be deemed guilty of an offense if twenty-four hours after being notified by the city marshall said obstruction shall not be removed and on conviction shall be fined in any sum not exceeding one hundred dollars and in failure of payment thereof shall be confined in the city or county jail not exceeding 60 days.

SECTION 8. Any person who shall within the city of Almena keep or harbor any female knowing her to be a public prostitute or who shall commit any fornication or any act of indecent exposure or be guilty of any open act of lewd or indecent conduct or use any indecent, foul, vile or profane language so that said act may be seen or language heard from any public place or by two or more persons, shall be deemed guilty of an offense and on conviction shall be fined in any sum not exceeding one hundred dollars and in failure of payment thereof shall be confined in the city or county jail not exceeding 60 days.

SECTION 9. Any person who shall within the City of Almena knowingly raise any [illegible] deemed guilty of an offense and on conviction

shall be fined in any sum not exceeding ten dollars and in failure of payment thereof shall be confined in the city or county jail not exceeding 10 days.

SECTION 10. Any person who shall within the City of Almena, ride, drive, hitch or fasten any horse or any other domestic animal over, on or across any sidewalk shall be deemed guilty of an offense and on conviction shall be fined in any sum not exceeding twenty-five dollars, and in failure of payment thereof shall be confined in the city or county jail not exceeding 60 days.

SECTION 11. Any person who shall within the City of Almena, obstruct any crossing or sidewalk by stopping any vehicle, team, horse or other animal on the same and who shall neglect or refuse to remove the same at once when requested by an officer or citizen shall be deemed guilty of an offense and on conviction shall be fined in any sum not exceeding fifty dollars and in failure of payment thereof shall be confined in the city or county jail not exceeding 60 days.

SECTION 12. Any person who shall when notified by the city marshal that any house, building or other structure owned by such person within the City of Almena is in an unsafe condition and dangerous to life and property refuse or neglect to remove the same or put same in a safe condition shall be deemed guilty of an offense and on conviction shall be fined in any sum not exceeding one hundred dollars and in failure of payment thereof shall be confined in the city or county jail not exceeding 60 days.

SECTION 13. Any person who shall within the City of Almena set up, keep, conduct or manage any table or device for gaming with cards, dice, A. B. C., faro, E. C., roulette, monte or any other kind of device with, by or upon which any game of chance shall be played for money or other property or who shall induce, permit or entice any other person or persons to play at or upon, around, by or with such device, or permit or induce any other person to bet any money or any other property at or upon such device, or any person who shall bet any money or other property at or upon such device or upon any game of chance shall be deemed guilty of an offense and on conviction shall be fined in any sum not exceeding one hundred dollars and on failure of payment thereof shall be confined in the city or county jail not exceeding 60 days.

SECTION 14. Any person or persons who ship or bring into the City of Almena any whiskey or other intoxicating liquors for the purpose of selling or giving to other persons or who shall be found trying to induce other people to sell, give or distribute whiskey or other intoxicating liquors shall be deemed guilty of an offense and on conviction shall be fined in any sum not exceeding one hundred dollars and in failure of payment thereof shall be confined in the city or county jail not exceeding 60 days.

SECTION 15. This ordinance shall be in full force and effect on and after its publication once in The Almena Plaindealer.

APPROVED: W. G. WELD, Mayor.

ATTEST:

A. A. DAVIS, City Clerk.

This ordinance was passed May 2, 1898.

Published May 5, 1898.

ORDINANCE NO. 40

Being an ordinance regulating the license fees for the following occupations in the City of Almena, Kansas.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That all circus shows shall pay to the City a license tax of $10.00 per day. Minstrel shows, theatres and other exhibitions for pay, exclusive of home talent, shall pay to the City a license tax not to exceed $10.00 per day at discretion of Mayor and Treasurer. Pedlers, hawkers, public vendors and criers of goods and wares shall pay to the City a license tax not to exceed $10.00 per day at discretion of Mayor and Treasurer.

SECTION 2. This ordinance shall be in full force and effect on and after its publication once in the Norton County Plaindealer.

APPROVED: W. G. WELD,
Mayor.

ATTEST:
A. A. DAVIS,
City Clerk.

This ordinance was passed June 6, 1898.
Published June 9, 1898.

ORDINANCE NO. 49

Being an ordinance to prohibit ball playing on the streets and alleys of the City of Almena, Kansas, and affixing penalty for the violation of same,

BE IT ORDAINED by the Mayor and Council of the City of Almena, Kansas:

Section 1. There shall be no game of ball played, throwing and catching ball, or any kind of ball game, played on the streets or alleys of the City of Almena, Kansas.

Section 2. Any person or persons violating, or refusing to comply with the requirements of this ordinance shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than the sum of one dollar nor more than ten dollars.

Section 3. Any ordinance or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall be in full force and effect on and after its publication in The Almena Lantern.

MRS. T. R. CASEY, Mayor.

ATTEST:
EMMA WALD, City Clerk.

This ordinance was passed August 6, 1900 and published in The Almena Lantern August 9, 1900.

ORDINANCE NO. 50

Being an ordinance to establish a dog license law and affixing penalty for violation thereof:

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. All persons or person owning or keeping a dog or dogs over three months old, male or female, shall furnish a collar for same, and pay a tax of $1.00 per year for each male, and a tax of $3.00 per year for each female. A Tag bearing the number of each license issued and furnished by the City shall be provided by the City Marshal.

SECTION 2. Any person who shall allow any dog to habitually remain or be lodged, or fed, within his house, store, yard or place, shall be deemed and considered as harboring the same within the meaning of this ordinance.

SECTION 3. Any person violating, failing or neglecting, or refusing to comply with any provision, regulation or requirement of this ordinance shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than one dollar nor more than fifty dollars.

SECTION 4. Any ordinance or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall be in full force and effect on and after its publication once in The Almena Lantern.

MRS. T. R. CASEY, Mayor.

ATTEST:

EMMA WALD, City Clerk.

This ordinance was passed August 6, 1900 and published in The Almena Lantern, August 9, 1900.

Reference Book 15-424

#No 50 Repealed Feb 3-1964

See Ordinance No - 301

ORDINANCE NO. 51

An ordinance granting to The Downs Western Telephone Company, composed of H. H. Welty, C. S. Dittman and Wm. Hardman, theirs, successors and assigns, the right to construct, operate and maintain electric telephone toll lines in and through the City of Almena, Kansas.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That for the period of twenty-one years from the date of the adoption of this ordinance, permission is hereby granted the Downs Western Telephone Company, its successors and assigns, to construct, operate and maintain telephone toll lines in and through the city limits of Almena, Kansas, said lines to connect the City of Almena with the cities of Norton, Smith Center and cities of the Central Branch R. R. and for the purpose of maintaining and constructing and operating said telephone toll lines the said Downs Western Telephone Company, its successors and assigns, may erect poles along and upon the streets, avenues, alleys and highways of said City of Almena, and upon such poles so erected place wires and cables necessary for the operation of said lines.

This franchise being accepted subject to all the general provisions of the statutes of the State of Kansas and the ordinance of the City of Almena, Kansas, now in force regarding the use and acceptance of said streets, avenues alleys and highways.

SECTION 2. All poles used in the construction of said toll lines shall be placed at such places in said streets, avenues, alleys and highways as the Street and Alley Committee of the City of Almena, Kansas shall designate but in so doing the line shall be as nearly straight as possible.

SECTION 3. This ordinance shall not be sonstrued as granting to the Downs Western Telephone Company, its successors and assigns, an exclusive franchise.

SECTION 4. That work under the provision shall be commenced within one hundr twenty days from the passage of this ordinance, or this franchise shall be forfeited.

SECTION 5. This ordinance shall take effect and be in force from and after its publication in The Plaindealer, a weekly newspaper published and of general circulation in the City of Almena, Kansas.

Approved March 4, 1901.

ATTEST:

H. C. Casey, Mayor.

Jennie Reed, City Clerk Pro-tem.

ORDINANCE NO. 53

Being an ordinance for the construction of a sidewalk along the south side of Pratt Avenue beginning at Van Horn Street and running west to the N. W. corner of Lot No. 18, Block No. 4 in Stevens First Addition to the town of Almena, Kansas.

Be it ordained by the Mayor and Council of the City of Almena:

SECTION 1. It is hereby ordered that sidewalks be built along the south side of Pratt Avenue, beginning at Van Horn Street and running west to the N. W. Corner of Lot No. 18, Block No. 4, Stevens First Addition to Almena.

SECTION 2. That the materials used in the construction of said sidewalk shall be 4 feet wide with at least 4 inches of shale after being elevated with dirt and shall be uniform and level with board 1/6 inches on both sides to support the shale.

SECTION 3. That said sidewalk shall be completed within 60 days from the passage of this ordinance.

SECTION 4. This ordinance shall be in full force and effect upon its publication once in The Norton County Plaindealer.

ATTEST: JOHN TEMPLETON, Mayor.

LOUIS WALD, Clerk.

This ordinance was passed May 6, 1901.

ORDINANCE NO. 63

Being an ordinance providing for a license tax on traveling doctors, and dentists, and affixing penalties for violation of same.

Be it ordained by the Mayor and City Council of the City of Almena, Kansas,

SECTION 1. That no person or persons styled as traveling doctors and dentists shall practice medicine or perform the work of a dentist without first having paid to the City Treasurer the sum of not less than five dollars ($5.00) or more than fifteen dollars ($15.00) per day and taking out therefor a license signed by the Mayor and Clerk of said City.

SECTION 2. Any person or persons who shall violate any of the provisions of this ordinance shall be deemed guilty of an offense and on conviction therefor shall be fined in any sum not less than twenty-five dollars nor more than fifty dollars.

SECTION 3. This ordinance shall be in full force and effect on and after its publication once in the Norton County Plaindealer.

E. E. KECKLEY
Mayor.

ATTEST:
LOUIS WALD,
City Clerk.

Passed February 10, 1904.
Published February 11, 1904.

ORDINANCE NO. 67

An ordinance providing for the opening of Benton Street by the purchase of Lot 2, Block 7, Central Add. to Almena.

Be it ordained by the Mayor and Council of the City of Almena,

SECTION 1. That Lot 2, Block 7 of Central Add. to Almena be purchased of the Lincoln Land Company for the sum of $60.00, said sum to be paid out of the funds in hands of the City Treasurer.

SECTION 2. That said Lot 2, Block 7, Centrall Add. to Almena, be and is hereby declared to be a continuation of Benton Street.

SECTION 3. This ordinance shall be in full force and effect from and after its publication in the Norton County Plaindealer.

ATTEST:
C. E. LOWE,
Clerk Pro-tem.

APPROVED:
A. BENNIE,
Mayor.

Published May 4, 1905.

ORDINANCE NO. 74

Being an ordinance for the protection of the public health.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. Any person, firm or corporation who shall accumulate any filth, garbage, manure or any decomposing substance, detrimental to the public health on any lot, street, alley or parcel of land in the City of Almena, and who upon being duly notified by the marshal or any other city official shall fail to remove same within five days, shall be deemed guilty of maintaining a nuisance and upon conviction shall be fined in any sum not to exceed fifty dollars ($50.)

SECTION 2. Any person, firm or corporation who shall keep any hogs or other animals in such conditions of filth or in small and unsanitary pens in such condition that the odor from same shall be objectional and detrimental to the public health and who upon being duly notified by the city marshal or any other city official, shall fail to remove same within a period of five days, shall be deemed guilty of keeping a nuisance and upon conviction shall be fined in any sum not to exceed twenty-five dollars ($25.00.)

SECTION 3. This ordinance shall take effect and be in force from and after its publication in the Norton County Plaindealer.

A. BENNIE,
Mayor.

ATTEST:
LOUIS WALD,
Clerk.

Published August 17, 1905.

ORDINANCE NO. 76

Being an ordinance for the protection of brick or cement crossings.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That it shall be unlawful for any person or owner of and traction engine to drive or cause same to be driven over any brick or cement crossing without first laying planks of such thickness on said crossings as to protect same from damage.

SECTION 2. That any person guilty of said act described in Section 1 of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding $25.00.

SECTION 3. This ordinance shall take effect and be in force from and after its publication once in the Norton County Plaindealer.

ATTEST:
LOUIS WALD,
Clerk

APPROVED:
A. BENNIE,
Mayor.

This ordinance was passed Sept. 4, 1905.
First published Sept. 7, 1905.

ORDINANCE NO. 79

An ordinance for the closing of barber shops on Sunday.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That on and after the passage of this ordinance it shall be unlawful for any person or persons keeping a barber shop to keep open shop or do any shaving or tonsorial work on the first day of the week, commonly known as Sunday.

SECTION 2. That any person or persons violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding twenty-five dollars ($25.00.)

SECTION 3. This ordinance shall take effect and be in force from and after its publication in the Almena Plaindealer.

Passed and approved Nov. 13, 1905.

A. BENNIE,
Mayor.

ATTEST:
LOUIS WALD, Clerk.

First published in the Almena Plaindealer, Nov. 16, 1905.

ORDINANCE NO. 80

Being an ordinance for the purchase of lots for the use of the City of Almena, Kansas.

SECTION 1. That Lot 6, Block 7 and Lots 1 and 2, Block 9, original plat of Almena, Kansas, be purchased for the City of Almena, Kansas.

SECTION 2. That the City Clerk shall issue an order or orders on the Treasure in an amount not exceeding $250.00, in payment of same with the interest not exceeding 10% on any deferred payments.

SECTION 3. This ordinance shall take effect on and after its publication in the Almena Plaindealer.

Passed and approved December 11, 1905.

A. BENNIE,
Mayor.

ATTEST:
LOUIS WALD, Clerk.

First published in the Almena Plaindealer, Thursday, Nov. 14, 1905.
Journal record of passage, page 37, Journal No. 2.

ORDINANCE NO. 81

Being an ordinance to prevent filthy practices.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That it shall be unlawful for any person to expectorate the product of tobacco or any other filth on the stairs, floors, walls or carpets of any building used for school, church or other public purposes or meetings or on any public sidewalk in the City of Almena, Kansas.

SECTION 2. Any one guilty of the violation of this act shall upon conviction thereof be fined not less than $1.00, nor more than $5.00, together with costs of prosecution.

SECTION 3. This act shall be in force on and after its publication in the Almena Plaindealer.

Passed and approved December 11, 1905.

A. BENNIE,
Mayor.

Attest: LOUIS WALD,
Clerk.

First published in the Almena Plaindealer, December 14, 1905.

ORDINANCE NO. 82

An ordinance vacating certain streets in South Almena, Kansas.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That Kansas and Nebraska Streets in South Almena, Kansas, are hereby declared vacated, said streets to revert to the lots adjoining.

SECTION 2. This ordinance shall be in force and take effect on and after its publication in the Almena Plaindealer.

Passed and approved March 5, 1906.

A. BENNIE, Mayor.

ATTEST: LOUIS WALD,
Clerk.

First published Thursday, March 8, 1906.

ORDINANCE NO. 83

Being an ordinance providing work for any person sentenced to pay a fine and costs of prosecution when such person shall default in the payment of such fine and costs.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That upon the arrest, trial and conviction of any person for the violation of any ordinance which shall be in force in this city, where such person shall be sentenced to pay a fine and costs of prosecution, upon default of payment he shall stand committed to the city prison or county jail until such fine and costs are fully paid and such person shall be required to work under the supervision of the City Marshal on the streets of the city or in any public or private place where employment may be found for such person, eight hours each day, except Sunday, at the rate of one dollar per day until such fine and costs shall be paid. And any person refusing to work shall be kept in close confinement and fed on bread and water only until he shall consent to perform such work as may be required of him as provided herein.

SECTION 2. All ordinances or parts of ordinances in conflict with Section 1 of this ordinance are hereby repealed.

SECTION 3. This ordinance shall be in force and take effect on and after its publication in the Almena Plaindealer.

Passed and approved March 5, 1906.

A. BENNIE,
Mayor.

ATTEST: LOUIS WALD,
Clerk.

ORDINANCE NO. 84

Being an ordinance establishing curb lines and regulating the setting of shade trees in the streets of Almena, Kansas.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That on all streets in the City of Almena, Kansas, which are not less than 60 nor more than 80 feet wide, the curb line on both sides shall be parallel with the outside lines and ten feet nearer the center of said streets.

SECTION 2. On all streets less than 60 feet wide the curb lines shall be eight feet nearer the center of said streets and parallel with their outside lines.

SECTION 3. That all shade trees or ornamental trees hereafter set out along the sides ofany street in the City of Almena, Kansas, shall be set on a line parallel with curb line and equidistant between said curb line and outside line of sidewalk.

SECTION 4. This ordinance shall take effect and be in force on and after its publication in the Almena Plaindealer.

Passed and approved March 6, 1906.

ATTEST: LOUIS WALD, Clerk. A. BENNIE, Mayor.

ORDINANCE NO. 87

Being an ordinance prohibiting the pasturing of live stock in the streets or public grounds in the City of Almena, Kansas.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That any person or persons who shall wilfully turn loose or lariat any horses or cattle in the public highways or on any church or school grounds in the City of Almena, Kansas without first obtaining the consent of the person or persons having jurisdiction over same, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding $25.00, together with the costs of prosecution.

SECTION 2. This ordinance shall be in force and take effect on and after its publication in the Almena Plaindealer.

Passed May 8, 1906. Approved:

ATTEST: LOUIS WALD, Clerk A. BENNIE, Mayor.

Repealed May 7, 1934

ORDINANCE NO. 89

An ordinance providing a tax on the sale of non-intoxicating malt liquors.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That no person, firm or corporation shall engage in the business of selling malt or malted drinks or any other non-intoxicating liquors as a beverage, the sale of which requires a United States internal revenue license, without first paying in to the City Treasury the sum of five hundred dollars ($500.00) and receiving therefor a license certificate signed by the Mayor and Clerk granting such person, firm or corporation the right to sell said non-intoxicating liquors for the period of one year: Provided only that such liquors shall not be sold to any minor, habitual drunkard or any person in an intoxicated condition and any such sale shall be sufficient cause for the revoking of said license.

SECTION 2. Any person, firm or corporation who shall sell or expose for sale any non-intoxicating liquors as provided in Section 1 of this ordinance without first obtaining a license shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than $100.00 nor more than $500.00 for each and every offense, together with the costs of prosecution.

SECTION 3. This ordinance shall take effect and be in force from and after its publication in the Almena Plaindealer.

Approved: A. BENNIE,
Mayor.

Attest: LOUIS WALD, Clerk.

First published in the Almena Plaindealer, July 5, 1906.

ORDINANCE NO. 90

Being an ordinance prohibiting the throwing of paper and other waste materials in the streets or alleys in the City of Almena, Kansas.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That the throwing of paper, excelsior or other waste in the streets or alleys of the City of Almena, Kansas is hereby prohibited.

SECTION 2. That any person or persons who shall violate the provisions of Section 1 of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding five dollars ($5.00) together with the costs of the prosecution.

SECTION 3. This ordinance shall take effect and be in force from and after its publication in the Almena Plaindealer.

Passed October 1, 1906. Approved: A. BENNIE, Mayor.

Attest: LOUIS WALD, Clerk.

ORDINANCE NO. 91

Being an ordinance prescribing fire limits and the materials used in the construction of any building within said limits.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That all those lots on both sides of Main Street in the City Almena, Kansas extending from Barclay Street on the North to Brooks Stre on the south shall constitute the fire limits.

SECTION 2. That no building shall be built or moved on any lot within s fire limit unless said building shall be built of brick, stone or cement

SECTION 3. Provided, that nothing herein contained shall prevent the Ma by and with the consent of the Council, from granting a temporary permit the construction of a frame building, when in their judgement such build shall not endanger nearby structures and shall not remain a longer time is required to construct as is required by Section 2.

SECTION 4. Any person, firm or corporation who shall violate or attempt violate any of the provisions of this ordinance, shall be guilty of a mi demeanor, and upon conviction shall be fined in any sum not exceeding five hundred dollars ($500.00) together with the costs of prosecution.

SECTION 5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 6. This ordinance shall take effect and be in force from and af its publication in the Almena Plaindealer.

Passed and approved January 14, 1907.

ATTEST: LOUIS WALD, Clerk.

A. BENNIE,
Mayor.

Published in Almena Plaindealer, January 17, 1907.

ORDINANCE NO. 93

Being an ordinance to prevent any gathering of persons from obstructing the walks or streets in the city of Almena, Kansas.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That where two or more persons are gathered on the walks or in the streets of the City of Almeha, Kansas and such persons are obstructing travel on said walks or streets, either by their presence or by their conduct attracting others so as to obstruct said walks or streets and upon request of the person in front of whose property or place of business they are gathered, or upon the request of the City Marshal to "move on," such persons fail to comply with said request, they shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less that $5.00 or more than $15.00 together with the costs of prosecution.

SECTION 2. This ordinance shall take effect and be in force on and after its publication in the Almena Plaindealer.

Passed and approved March 12, 1907.

ATTEST: LOUIS WALD, Clerk.

A. BENNIE,
Mayor.

Published March 14, 1907.

ORDINANCE NO. 94

Being an ordinance defining a nuisance and providing a penalty for keeping the same.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. Any person, firm or corporation doing business in the City of Almena, Kansas, who shall allow any disorderly gatherings of persons in or about his place of business whose language or conduct is such as to shock or injure the morals of persons passing such place of business, or injure the morals of the community, such person, firm or corporation shall be deemed guilty of keeping a nuisance and upon conviction shall be fined not less than $25.00 nor more than $100.00, together with the costs of prosecution.

SECTION 2. This ordinance shall take effect and be in force on and after its publication in the Almena Plaindealer.

Passed and approved March 12, 1907.

ATTEST: LOUIS WALD, Clerk. A. BENNIE,
Mayor.

Published March 14, 1907.

Ordinance No. 95. COPY

Being an amendment to ordinance 84, providing for curb lines on certain streets in the City of Almena, Kansas.
Be it ordained by the Mayor and Council of the City of Almena, Kansas.

Section No 1.

That an all streets in the city of Almena, Kansas, which are not less than eighty feet wide, the curb line on each side shall be provided with the property lines, and fifteen feet nearer the curb of said street

Section No 2.

All ordinances or parts of ordinances in conflict with the foregoing section are hereby repealed.

Section No 3.

This ordinance shall take effect and be in force on and after its publication in the Almena, Plaindealer.
Pbuliched, March 12. 1907.
Passed March 12, 1907.

A. Bennie,
Mayor.

Attest,

Louis Wald,

Clerk.

ORDINANCE NO. 96

Being an ordinance providing for the purchase of Lot 14, Block 2, Central Add., Almena, Kansas, and use of same as a public street.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That the sum of Forty-Five Dollars is hereby appropriated out of any funds in the City Treasury for the purchase of Lot 14, Block 2, Central Addition, Almena, Kansas, and the City Clerk is hereby authorized to issue a warrant on the City Treasurer for the aforesaid amount.

SECTION 2. That aforesaid Lot 14, Block 2, Central Addition, Almena, Kansas, is hereby made a part of Brooks Street.

SECTION 3. This ordinance shall take effect and be in force on and after its publication in the Almena Plaindealer.

Passed and approved May 6, 1907.

ATTEST: LOUIS WALD, Clerk.

A. BENNIE,
Mayor.

Published May 9, 1907.

ORDINANCE NO. 97

Being an ordinance to make Fisher's Addition a part of the corporate City of Almena, Kansas.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That all those lots, tracts and parcels of land known as Fisher Addition to Almena, Kansas and described in the recorded plat as follows: Beginning at the N. E. Corner of the West half of the Southwest quarter of Section 8, Town 2, South of 21 West of Sixth P. M. and running thence West 1320 feet, thence South 180 feet, thence East 914 feet, thence South 46 feet, thence East 200 feet, thence South 18.92 feet, thence East 208.67 feet, thence North 246.92 feet to place of beginning, are hereby made a part of and are included in the corporate limits of the City of Almena, Kansas, subject to the regulations and ordinances of said City.

SECTION 2. This ordinance shall take effect and be in force on and after its publication in the Almena Plaindealer.

Passed and approved May 6, 1907.

A. BENNIE,
Mayor.

ATTEST: LOUIS WALD,
Clerk.

Published May 9, 1907.

ORDINANCE NO. 98

Being an ordinance prohibiting the soliciting of or the taking of orders for intoxicating liquors.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That any person who shall take an order for or shall solicit any person or persons to give an order for the purchase of any intoxicating liquors shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred Dollars nor more than Five Hundred Dollars together with costs of prosecution.

SECTION 2. This ordinance shall take effect and be in force on and after its publication in the Almena Plaindealer.

Passed and approved May 6, 1907.

A. BENNIE,
Mayor.

ATTEST: LOUIS WALD,
Clerk.

Published May 9, 1907.

ORDINANCE NO. 102

Being an ordinance providing a penalty for failure or refusal to work or pay road tax.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That any male citizen subject to paying a road tax who shall neglect or refuse to do two days work or furnish a substitute or pay the sum of One Dollar and Fifty Cents ($1.50) per day as provided by No. 6557 General Statutes of the State of Kansas, shall be fined Five Dollars ($5.00) together with costs of prosecution upon conviction before the Police Judge of the City of Almena, Kansas.

SECTION 2. This ordinance shall take effect and be in force on and after its publication in the Almena Plaindealer.

Passed and approved June 3, 1907.

ATTEST: LOUIS WALD, Clerk. A. BENNIE, Mayor.

Published June 6, 1907.

ORDINANCE NO. 104

Being an ordinance calling for an election for the purpose of voting for or against a proposition to issue bonds for the construction of a municipal water works system for the City of Almena, Norton County, Kansas.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That an election be held at the City Engine House on Main Street in the City of Almena, Norton County, Kansas, for the submission of the question to the electors of said City for the issuance of bonds in the sum of Thirteen Thousand Five Hundred Dollars, which said bonds shall bear interest at not to exceed the rate of six per cent per annum, and shall be issued in denominations of Five Hundred Dollars each, payable as follows, to-

Five Thousand Dollars due in ten years from date of issuance; Five Thousand Dollars due in fifteen years from date of issuance; and Three Thousand Five Hundred Dollars due in twenty years from date of issuance, said bonds being for the purpose of raising a sum of money sufficient to construct in said City a municipal water works system.

SECTION 2. That this ordinance shall take effect and be in full force after its approval and publication in the Almena Plaindealer, according to law.

Passed and approved July 23, 1907.

A. BENNIE,
Mayor.

ATTEST: LOUIS WALD,
Clerk.

First Published in the Almena Plaindealer, Thursday, July 25, 1907.

ORDINANCE NO. 106

An ordinance to provide for the issue and sale of coupon bonds of the city of Almena, Kansas, in the sum of $13,500.00, for the purpose of constructing a water works system in said city.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That in pursuance and by authority of an election held in said city on the 16th day of August, A. D., 1907 for the purpose of determining the issuance of bonds of said city in the sum of $13,500.00 to be used in constructing a water system in said city, the Mayor and Clerk of the City of Almena, Kansas be and are hereby authorized, directed and empowered to sign and execute the bonds of said city in the aggregate sum of $13,500.00.

SECTION 2. There shall be twenty-seven of said bonds, each of the amount and denomination of $500.00 and shall be signed by the Mayor and countersigned by the City Clerk, under the seal of the City, and the said bonds shall be numbered consecutively from one to twenty-seven.

SECTION 3. Said bonds shall be dated January 1, 1908 and shall be made payable to bearer at the office of the state treasurer of the state of Kansas. Bonds Nos. 1-10 inclusive, $500.00 each, bearing interest at the rate of 5 per cent per annum, shall be due and payable ten years after date, and Bonds Nos. 11-20 inclusive, $500.00 each, bearing interest at the rate of 5 per cent per annum, shall become due and payable fifteen years after date; and Bonds Nos. 21-27 inclusive, $500.00 each, bearing interest at the rate of 5 per cent per annum, shall become due and payable twenty years after date. Interest shall be payable semi-annually on the first day of January and July of each year at the office of the state treasurer of the State of Kansas.

SECTION 4. The interest accruing shall be evidenced by semi-annual interest coupons attached thereto, each of the sum of $12.50, and each of said coupons may be signed by having printed thereon a fac-simile of the signature of the Mayor and City Clerk.

SECTION 5. This ordinance shall be in full force and take effect on and after its publication in the Almena Plaindealer, the official city paper.

Passed and approved January 13, 1908.

A. BENNIE, Mayor.

Attest: LOUIS WALD, City Clerk.

ORDINANCE NO. 107.

Being an ordinance calling a special election for the purpose of submitting to the legal voters of the City of Almena, Kansas, a proposition to establish and maintain a free library and reading room in said city.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That in compliance with a petition properly signed and duly presented, a special election is hereby called to be held at the city engine house at the corner of Main and East Benton Streets in the City of Almena, Kansas on Monday, March 2, 1908, for the purpose of submitting to the qualified voters of said city a proposition for the establishment and maintenance of a free public library and reading room in accordance with Section 647 of the general statutes of the state of Kansas.

SECTION 2. This ordinance shall be in force and take effect on and after its publication in the Almena Plaindealer.

Passed and approved February 7, 1908.

Attest: LOUIS WALD, Clerk.

A. BENNIE, Mayor.

Published in the Almena Plaindealer, Thursday, February 13, 1908.

ORDINANCE NO. I09

Being an Ordinance compelling the attendance of the Councilmen of the City of Almena Kansas, at regular meetings.

Be it ordained by the Mayor and Councilmen of the City of Almena, Kansas:

Section No. I:
That all members of the City Council shall be required to attend all regular meetings of the City Council.

Section No. 2:
Any member absenting himself from two consecutive meetings, without an excuse, acceptible to a majority of the Council, shall be subject to a fine of ($5.00) five dollars.

Section No. 3:
This Act shall be in force and effect upon its publication in the Almena Plaindealer.

Period of final passage, page I39, Journal 2.

Attest:

L.J. Wald, Clerk. A. Bennie, Mayor.

ORDINANCE NO. 110

An ordinance making rules and regulations for the maintenance and operation of the city waterworks system of Almena, Kansas, and for the governing of the supply and consumption of the water obtained from the waterworks of the said city and fixing penalties for the violation of same.

Be it ordained by the Mayor and Council of the city of Almena, Kansas:

SECTION 1. It shall be unlawful for any person not specially in the employ of the city of Almena for this purpose to do any work upon any of the pipes or appurtenances of the system of waterworks of the city of Almena. (This section amended by Section 1 of Ordinance 227.)

SECTION 2. The term City Waterworks shall in this ordinance be interpreted to mean and include all of the pipes lying in the streets of said city between the walk lines, which lines shall be, on Main Street, ten feet from the lot line, and on all other streets five feet.

SECTION 3. All new mains laid shall be placed on the north side of streets running east and west, and on the west side of streets running north and south---said mains to be on Main Street 24 feet from the lot line and on all other streets 17 feet from the lot line. All mains shall be of either standard cast pipe of galvanized pipe and shall be laid in the most approved manner. All mains and extensions shall be provided with suitable cut-offs over which shall be placed a substantial road way box.

SECTION 4. The water works of said city shall at all times be under the direct control of the water works committee of the Council, and it shall be the duty of the said committee to see that the rules of this ordinance are faithfully complied with. It shall be the duty of this committee to employ and have in immediate charge all employees necessary to the maintenance and operation of said water works. The matter of employment must, however, be subject to the approval of the Council and shall not be considered final until such approval has been obtained.

SECTION 5. Cast mains shall be tapped on the side and in no case nearer than fifteen inches to either end of the section or nearer than three feet to similar tap. The corporation cocks and connections used shall be of the standard Mueller pattern, not being smaller than 1/2 inch nor larger than one inch, 5/8 being the standard for 3/4 inch pipe.
The service pipe extending from the service connection must always be of galvanized pipe and must be laid at right angles with the main from which it extends. Said service pipe must be of a length sufficient to reach from the main to which it is connected to the sidewalk line opposite the property which it is to enter. At the sidewalk line must be placed a standard inverted key curb cock over which and extending above the surface of the ground must be placed a suitable curb box. When a meter is put in it must be connected immediately to the curb cock over which must be placed a substantial meter box which shall be on the level of the adjacent sidewalk.

SECTION 6. The charge of tapping shall be $21.85 and shall include the following: The necessary service connection and sufficient pipe to reach to the curb, the curb cock, box, meter and meter box, and the laying of the same. All customers shall keep their own service pipes, stop cocks and apparatus, except meter, in good repaid and protected from the frost at their own expense. All repairs and alterations on such service pipes between the corporation cock and the sidewalk line shall be made by the city of Almena at the expense of the owners. Provided, however, that the city will keep in repair at its own expense the corporation cock and lead connection, connecting such service pipe with the mains. It is especially stipulated that no claim for damages or loss shall be made against the city by reason of the breaking or leaking of any pipe or pipes.

Repealed by Ordinance #281

SECTION 7. Amended by Section 2 of Ordinance 227. → see Ordinance 281

SECTION 8. Repealed by Section 3 of Ordinance 227.

SECTION 9. If the customer fails to make payments required of him by this ordinance, the water shall be cut off, and $1.00 shall be added to the account of the customer who has failed to meet such payment. In no case shall the water be turned on until all charges and fines are paid.

SECTION 10. It shall be unlawful for any person or persons, except the fire department of said city, to take water from the fire plugs for any purpose whatever. Any person convicted of the above shall be fined not less than $5.00, nor more than $10.00 for each offense.

SECTION 11. Before the fire department shall open fire plugs, except in case of fire, they shall notify the water committee of their intention to

case of fire, they shall notify the water commissioner of their intention to do so.

SECTION 12. In case of emergency the City of Almena reserves the right to

ORDINANCE NO. 110 CONTINUED

cut off the water any time or place without notice.

SECTION 13. Any person who shall remove, obstruct or in any way injure any fire hydrant, valve, valve box or cover, or stop cock or cover, or in any manner injure or deface any building, standpipe, machinery, or carry off or injure any pipe, apparatus, tools, fixtures or property of said water works shall be guilty of a misdemeanor and shall upon conviction be fined not less than $5.00 nor more than $25.00 for each and every offense.

SECTION 14. If any person or persons from whose premises the water shall have been shut off for any of the reasons herein provided shall turn the water on without authority from the water committee, he or she shall on conviction thereof be fined in any sum not exceeding $5.00 for each and every offense.

SECTION 15. It shall be unlawful for any person to sprinkle, eject or throw water from any public or private hydrant, washer or sprinkler within said city while any building is on fire and in process of extinguishing or preventing the spread of such fire, and any person convicted of the violation of any of the provisions of this section shall be fined in any sum not exceeding $25.00 and stand convicted until such fine and costs are paid.

SECTION 16. This ordinance shall be in full force and effect from and after its publication in The Almena Plaindealer.

Passed and approved August 4, 1908.

Published August 27, 1908.

Attest: L. WALD, City Clerk. A. BENNIE, Mayor.

ORDINANCE NO. 112.

Being an ordinance providing for the purchase of two certain tracts of land to be used as sites for the city stand pipe and engine house.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That the two following described tracts of land be purchased and used as sites upon which are located the city standpipe and engine house: Commencing at southeast corner of Section 8, Township 2 south, Range 21 west 6th P. M. in Kansas and running thence west 660 feet, thence north 891.7 feet to intersect the center line of highway running from south end of Main street to C. K. & N. depot, thence northwesterly along said center line of highway 141.45 feet to an iron pin driven on said center line, thence northwesterly at right angles to said center line 80 feet, thence northwesterly and parallel with said center line 50 feet, thence northeasterl at right angles to said center line 80 feet, thence southeasterly along said center line 50 feet to closing point. Commencing at the northeast corner of Section 17, Township 2 south, Range 21 west of the 6th P. M. in Kansas, thence west 773 feet on Section line between Sections 8 and 17 of said Town and Range, thence south 103 1/2 feet to the place of beginning, thence west 50 feet, thence south 50 feet, thence east 50 feet, thence north 50 feet to place of beginning.

SECTION 2. That the sum of One Hundred Fifty Dollars is hereby appropriated as payment in full of said tracts of land, and the City Clerk is authorized to issue two certain warrants, the one for one hundred and the other for fifty dollars, to be paid to the parties from whom said tracts above describe are purchased, when warrantee deeds accompanied by an abstract showing land clear of all emcumbrance shall have been given over to the City Treasurer.

SECTION 3. This ordinance shall be in force and take effect on and after its publication in the Almena Plaindealer.

Passed and approved September 17, 1908.

Attest: A. BENNIE, Mayor.

LOUIS WALD, City Clerk.

ORDINANCE NO. 121

Being an ordinance making it a misdemeanor, and providing a penalty therefor, for any person or persons under arrest to escape or to attempt to escape from the City Marshal or his deputy or assistant or while confined in the city prison, or for any person or persons to aid any such prisoner to escape.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That any person or persons confined in the city prison of said City of Almena, or in the legal custody of the City Marshal or his deputy, or who shall break or escape from such prison or custody, or any person or persons who shall aid or assist such person or persons to break or escape from such prison or custody shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars together with the costs of prosecution and shall be confined in the city prison or county jail of Norton County, Kansas, until such fine and cost shall have been paid.

SECTION 2. This ordinance shall be in full force and effect on and after its publication in the Almena Plaindealer.

This ordinance was passed October 4, 1909.

Attest: LOUIS WALD, City Clerk. A. BENNIE, Mayor.

First published in the Almena Plaindealer, Oct. 7, 1909.

ORDINANCE NO. 122

An ordinance relating to intoxicating liquors.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. It shall be unlawful for any person to manufacture, sell or barter any spirituous, malt, vinuous, fermented or other intoxicating liquors in this city.

SECTION 2. All liquors mentioned in Section 1 of this ordinance shall be construed and held to be intoxicating liquors within the meaning of this ordinance.

SECTION 3. The giving away of intoxicating liquors, or any shift or device to wave the provisions of this ordinance shall be deemed an unlawful selling within the meaning of this ordinance.

SECTION 4. It shall be unlawful for any person to keep or maintain, or to aid, assist or abet in keeping or maintaining in this city, a place where intoxicating liquors are sold, bartered or given away in violation of the provisions of this ordinance, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage, or where intoxicating liquors are kept for sale, barter or delivery in violation of this ordinance.

SECTION 5. All places where intoxicating liquors are sold, bartered or given away in violation of the provisions of this ordinance, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage, or where intoxicating liquors are kept for sale, barter or delivery in violation of this ordinance, and all intoxicating liquors, bottles glasses, kegs, pumps, bars and other property kept in and used in maintaining such places, are hereby declared to be common nuisances and shall be abated as such as hereinafter provided.

SECTION 6. Upon the filing in the police court of a complaint under oath charging that a place is kept or maintained as a common nuisance by any person or persons, and that intoxicating liquors, kegs, pumps, bars or other property are kept or used therein in keeping or maintaining such place as a common nuisance, a warrant shall be issued commanding the officer to whom it is directed to arrest the person or persons charged or described as the keeper or keepers thereof and to search the place described in such complaint and seize and take into his custody all intoxicating liquors, bottles, pumps, glasses, kegs, bars and other property described in said complaint which he may find in such a place and safely keep the same subject to the order of the court. The complaint shall describe the place to be searched with sufficient particularity to identify the same and shall describe the intoxicating liquors or other peoperty alleged to be used in maintaining the same as particularly as practicable; but any description however general that will enable the officer executing the warrant to identify the property to be seized shall be deemed sufficient. Upon the return of the warrant the court shall proceed as in other cases against the person or persons arrested.

A. BENNIE, Mayor.

ORDINANCE NO. 124

Being an ordinance providing for the removal of snow and ice from the sidewalks in the City of Almena, Kansas.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That every person or corporation in the City of Almena, Kansas, shall within eight hours after the cessation of a snow storm, remove or cause to be removed any snow or ice (where such ice is conveniently removable) from the sidewalks abutting such person's or corporation's property.

SECTION 2. If after eight hours from the cessation of a snow storm any sidewalks used for public travel be not freed from snow and ice as provided in Section 1 of this ordinance, the City Marshal is hereby authorized to remove or cause to be removed such snow or ice and shall assess the cost of such removal from said sidewalk to the abutting property, to be collected as other taxes.

SECTION 3. This ordinance shall be in force and take effect on and after its publication in the Almena Plaindealer.

Passed and approved December 13, 1909.

Attest: LOUIS WALD, City Clerk. A. BENNIE, Mayor.

First published in the Almena Plaindealer, December 23, 1909.

ORDINANCE NO. 127

Being an ordinance prohibiting the running at large of poultry, and providing a penalty for the violation thereof.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. That it shall be unlawful for any person or persons keeping poultry within the City of Almena, Kansas, to allow such poultry to run at large or trespass upon any real estate not leased or owned by the owner of said poultry, without first having obtained permission from any and all persons on whose premises such poultry may be likely to trespass.

SECTION 2. Any person or persons who shall permit their poultry totrespass upon the premises of another without first having obtained the consent of the owner of such property, as provided in Section 1 of this ordinance, shall upon conviction be found guilty of keeping a nuisance, and shall be fined not less than one, nor more than five dollars for each and every offense.

SECTION 3. This ordinance shall be in force and take effect on and after its publication in the Almena Plaindealer.

Passed and approved May 1, 1911.

Attest: LOUIS WALD, City Clerk. A. BENNIE, Mayor.

First published in the Almena Plaindealer, May 4, 1911.

ORDINANCE NO. 134

Repealed #199

Being an ordinance in relation to automobiles, motor vehicles and bicycles, regulating their speed and operation and prohibiting the riding or driving on the sidewalks in the City of Almena, Norton County, Kansas, providing for their proper equipment, and providing for the violation thereof.

Be it ordained by the Mayor and Council of the City of Almena, Kansas,

SECTION 1. It shall be unlawful for any person or persons to operate any automobile, motor cycle or bicycle in said City of Almena, without the same being provided with a suitable bell, horn, or other signal, and be equipped with an efficient brake. Every automobile, motor vehicle or bicycle shall be provided with one or more lamps showing white lights visible within a reasonable distance in the direction towards which such vehicle is proceeding, at all times after twilight.

SECTION 2. No person driving, riding or in charge of any such vehicle on any street, avenue, parkway, driveway or public highway in said City of Almena, shall drive or operate the same at any speed at any time greater than reasonable or proper, having due regard to traffic and use of the highway, or so as to endanger the life or limb of any person, and no such vehicle shall be run on any public street or highway within the thickly settled or business part of said city of Almena at a speed exceeding ten miles an hour.

SECTION 3. No person or persons shall ride or drive any such vehicle upon and along any sidewalk in said city of Almena.

SECTION 4. Any person or persons violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in any sum of not less than one dollar nor more than twenty-five dollars for each and every offense t hereof, together with costs of prosecution.

SECTION 5. This ordinance shall be in full force and effect on and after its first publication in the Almena Plaindealer.

Passed and approved July 1, 1922.

Attest: LOUIS WALD, City Clerk. A. BENNIE, Mayor.

First publication July 4, 1912 in Almena Plaindealer.

ORDINANCE NO. 140

Being an ordinance prohibiting the throwing of ashes in the streets and alleys of the City of Almena, Kansas.

Be it ordained by the Mayor and Council of the City of Almena, Kansas:

SECTION 1. Any person, firm or corporation sho shall empty ashes in the streets or alleys of the City of Almena, Kansas, shall be guilty of maintaining a nuisance, and on conviction shall be fined not less than one dollar, nor more than five dollars, and may be confined in the city bastile until such fine and costs are paid.

SECTION 2. This ordinance shall take effect and be in force on and after its publication in the Almena Plaindealer, the official paper of the City.

Signed:

A. BENNIE, Mayor.

Attest. C. D. CHURCHILL,
City Clerk, pro tem.

Published December 4, 1913.

ORDINANCE NO. 149.

Being an ordinance providing for the sale of all that portion of Lot No. 3, Block 9, Original Platt, Almena, Kansas.

Be it ordained by the Mayor and the Council of the City of Almena, Kansas:

SECTION 1. That all of that portion of Lot No. 3, Block 9, Original Platt Almena, Kansas, and deeded to the city by the Foster Lumber Company, be sold to John Gross, or any other person desiring to purchase said lots for the sum of One Hundred Dollars, said sum to be placed in the General Fund of the city of Almena, Kansas.

SECTION 2. On the payment of the aforesaid $100.00, the city clerk is hereby authorized to issue a deed for said lot, signed by the Mayor and city clerk, to which the seal of the city shall be affixed.

SECTION 3. This ordinance shall be in force and take affect on and after its publication in the Almena Plaindealer, the official paper of the city.

B. CHURCHILL, City Clerk. A. BENNIE, Mayor.

ORDINANCE NO. 180

An ordinance accepting and approving plans and specifications for a system of sanitary sewers and outlet for the city of Almena, Kansas, as prepared by E. T. Archer & Co., the city's special engineers.

Be it ordained by the Mayor and Council of the city of Almena, Kansas:

SECTION 1. That the plans and specifications prepared by E. T. Archer & Co., engineers and approved by the State Board of Health, now on file with the city clerk, for a system of sanitary sewers and a disposal plant therefor, including mains, laterals, outlet disposal plant and appurtenances thereto, be, and the same are hereby adopted, approved and accepted as plans and specifications for the sanitary sewer system for the said city.

SECTION 2. That this ordinance shall take effect and be in force from and after its publication once in the Almena Plaindealer, the official newspaper of the city of Almena, Kansas.

Passed and approved this 4th day of April, 1922.

THEO. TELLESSEN, Mayor.

A. S. RABOURN, City Clerk.

Published in Almena Plaindealer, April 6, 1922.

ORDINANCE NO. 181.

An ordinance providing a system of sanitary sewers for the City of Almena, Kansas, a city of the third class, in Norton County, Kansas; providing that the said city shall constitute one district only for such sewer purposes and providing for the manner of paying for such improvement.

BE IT ORDAINED by the Mayor and Council of the City of Almena, Kansas:

SECTION 1. That the Mayor and Council of said city of Almena, Kansas do deem and declare that it be for the best interest of and that it is necessary to provide a system of sanitary sewers for the said city of Almena, Kansas.

SECTION 2. That the entire city of Almena shall constitute one sewer district only for the purpose of sanitary sewers.

SECTION 3. That there shall forthwith and as soon as the same may be done legally, be constructed within and for the said city, a system of sanitary sewers, in strict conformity with the plans, profiles and specifications made by E. T. Archer & Co., special engineers for said city, and which plans, profiles and specifications are now on file in the office of the city clerk of said city of Almena, to which plans, profiles and specifications reference is hereby made and the said plans, profiles hereby made a part of this ordinance as fully and completely as if herein copied and written in full; said system to consist principally of lateral sewers to be constructed of 8" vitrified clay tile, laid at a depth to give basement drainage, together with all necessary appurtenances, etc., all as shown in said plans, profiles and specifications.

SECTION 4. That the city clerk of said city of Almena is hereby authorized, empowered and directed to forthwith secure bids for the construction of the aforesaid system of sanitary sewers as shown on plans and specifications now on file. Said bids to be acted upon at 5:00 P. M. o'clock of the 19th day of April, 1922, the bid to be accepted and the contract signed with the lowest responsible bidder as determined by the Mayor and Councilmen.

SECTION 5. That for the purpose of paying for said improvements, the said Mayor and Councilmen shall and will issue improvement bonds of the said city, payable in installments of equal amounts each year, none of which bonds or any of the installments thereof shall run longer than twenty years or bear interest at a rate exceeding six per centum per annum. The credit of said city of Almena, Kansas shall be pledged for the payment thereof and all to be done in strict conformity with Chapter 141 of the 1921 Session Laws of the State of Kansas.

SECTION 6. That this ordinance shall take effect and be in full force and effect from and after its passage, approval and publication once in the Almena Plaindealer, official city newspaper published in said city of Almena.

Passed April 4, 1922. Published in Almena Plaindealer, April 6, 1922.

THEO. TELLESSEN, Mayor.

A. S. RABOURN, Clerk.

ORDINANCE NO. 182.

An ordinance authorizing and directing the construction of a Main Storm Sewer Drain for the city of Almena, Kansas.

Be it ordained by the Mayor and Councilmen of the city of Almena, Kansas:

SECTION 1. That for the purpose of protecting the health, increasing the safety and providing for the convenience of the inhabitants of the city of Almena, Kansas, the Mayor and Councilmen of said City of Almena, Kansas declare that a Main Storm Sewer Drain is necessary.

SECTION 2. It is declared that all of the territory embraced within the incorporate limits of the said city of Almena, Kansas shall for the purpose of paying for the construction of the Main Storm Sewer Drain be declared one district, and said Storm Sewer Drain shall be constructed at the expense of the entire territory embraced within the incorporate limits of said city of Almena, Kansas.

SECTION 3. The Storm Sewer Drain shall begin at Brockton and Main Streets, thence south on Main Street to West Benton Street, thence east on West Benton Street to Walnut Street, thence south on Walnut Street approximately 50 feet with 30" tile with a connecting line of 12" tile on West Bryant Street between Ives Street and Main Street, together with all the necessary manholes, catch basins, appurtenances, etc.

SECTION 4. The Mayor and Councilmen are hereby authorized and directed to proceed according to law to contract for the construction of the Main Storm Sewer Drain, and to proceed with the construction thereof, and to pledge tax on all the property within the incorporate limits of the said city for the payment of the Main Storm and Sewer Drain.

SECTION 5. The Mayor and City Clerk are hereby authorized, empowered and directed to advertise for sealed bids for the construction of a complete Storm Sewer Drain as shown on plans and specifications on file with the city clerk, said bids to be acted upon at 5:00 o'clock P. M. of the 19th day of April, 1922, and the bid to be accepted and a contract signed with the lowest responsible bidder for the construction of the same, reserving the right to the Mayor and Councilmen to decide the responsibility of any and all bidders and reject any and all bids.

SECTION 6. This ordinance to take effect and be in force from and after its publication in the Almena Plaindealer, the official newspaper of the city of Almena, Kansas.

Approved this 4th day of April, 1922.

THEO. TELLESSEN, Mayor.

Published, April 6, 1922

A. S. RABOURN, City Clerk.

ORDINANCE NO. 184.

An ordinance approving, confirming, adopting and ratifying a contract dated April 19, 1922, by and between Burt & Tripp, Hutchinson, Kansas, contractors, and the City of Almena, Kansas, for the construction of a system of Sanitary and Storm Sewers, together with approval of surety bond covering the fulfillment of the aforesaid contract.

WHEREAS, on April 19, 1922, the city received and considered bids in pursuance to notice duly published for the construction of a system of sanitary sewers for said city; also for a storm sewer drain.

In pursuance to said notice and advertisement, seven bids were submitted and upon due consideration by the council, the bid of Burt & Tripp of Hutchinson was considered the lowest and best bid and accepted by the council.

Be it ordained by the Mayor and Council of the City of Almena, Norton County, Kansas:

SECTION 1. That the proposal and bids of the contractors, Burt & Tripp, of Hutchinson, for the building and construction of a system of sanitary sewers and storm sewer drain for the city of Almena, Kansas, consisting of Main sewers, disposal plant and lateral sewers, as set forth in plans and specifications prepared by E. T. Archer & Company, and approved by the State Board of Health; also for a storm sewer drain, be and the same is hereby accepted and approved by the Mayor and City Clerk of said city of Almena, and they are hereby authorized and directed to enter into a written contract on behalf of said city of Almena, with said contractors, Burt & Tripp, for the performance of such labor and the furnishing of such material as will be necessary to fully and completely construct the aforesaid sanitary sewers system and storm water drain.

SECTION2. That the written contract and agreement executed on behalf of the said city of Almena, Kansas, by its Mayor and City Clerk, with the seal of said city affixed, and signed by said contractors, Burt & Tripp, and the same is hereby approved, conformed, ratified and adopted as the contract and agreement of the said city of Almena in all its terms, conditions and stipulations.

SECTION 3. That the surety bonds submitted by aforesaid contractors, Burt & Tripp, guaranteeing the performance of the work and the fulfillment of the terms of contract and a supplement thereto guaranteeing the payment of all bills in connection therewith as written by the Aetna Casualty Security Company and signed by the aforesaid contractors, be and the same is hereby approved, confirmed and adopted as surety bonds covering the fulfillment of the terms of the contract by and between the city of Almena, Kansas and Burt & Tripp, contractors.

SECTION 4. That this ordinance shall take effect and be in force from and after its passage and approval and publication one time in the Almena Plaindealer, the city's official paper.

Passed and approved this 1st day of May, 1922.

THEO. TELLESSEN, Mayor.

A. S. RABOURN, City Clerk.

ORDINANCE NO. 186

An ordinance prohibiting the discharge or firing of Fireworks and other pyrotechnic display, and providing penalties for the violation thereof.

Be it ordained by the Mayor and Councilmen of the City of Almena, Kansas:

SECTION 1. It shall be unlawful for any person, firm or corporation to keep, store, fire or discharge within the city of Almena, Kansas and fire-crackers, roman candles, sky rockets, pin wheels or pistols, canes, cannons or other appliances using blank cartridges, or any substances or articles of any explosive nature designed or intended to be used as firewworks. The Mayor and Councilmen may, however, grant permission for the public display of fireworks by responsible individuals, providing that such display or displays shall be of such a character and so located, discharged and fired as shall not be hazardous to surrounding property or endanger and person or persons, and provided further that no such display shall be located within 1,000 feet of any building.

SECTION 2. The sale of Fireworks is prohibited.

SECTION 3. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction be fined not less than five dollars ($5.00) nor more than twenty-five dollars ($25.00) for each day's neglect of compliance. The city marshal may at his discretion remove or have removed at the owner's expense all stocks of fireworks or other combustibles exposed for sale or held in stock in violation of this ordinance.

SECTION 4. All ordinances and parts of ordinances in conflict with the foregoing are hereby repealed.

SECTION 5. This ordinance shall take effect and be in force from and after its passage and publication in the Almena Plaindealer, the official city paper

THEO. TELLESSEN, Mayor.

A. S. RABOURN, City Clerk.

COPY

Ordinance No 192.

Being an ordinance vacating certain parts of certain streets, and certain parts of alleys in the City of Almena, Kansas.
Be it ordained by the Mayor and Councilmen of the City of Almena, Kansas.

Section No 1.

That the following described parts of streets and alleys described as follows, to wit;
All of that part of Barkley street from Washington street to Van Horn street, all thus part of Wagner street North of West Bryant street, and the alley between block F of Leonards addition to the City of Almena, Kansas. And the presant school, of school district Nameless township two Norton County Kansas. Also the alley if such there be extending from Barkley street to Beackton street be and the same is hereby vacated and annulled.

Section No 2.

That said annullment and vacation to be only for the line that the land officted shall be used for school purposes and school play fround purposes.

Section No 3.

This ordinance shall be in full force and effect on and after its passage and legal publicati on in the Almena, Plaindealer.
Passed Nov. 12, 1923.
Published Nov. 15 1923.

H.S.F. Bevans,

Mayor.

A.S. Rabourn,

Clerk.

ORDINANCE NO. 194

Being an ordinance relating to the fire department in the city of Almena, Kansas, its organization, government and regulation, and providing penalties for the violation thereof.

Be it ordained by the Mayor and Councilmen of the city of Almena, Kansas:

SECTION 1. That there be and hereby is established a fire department in the city of Almena, Kansas to consist of a chief, an assistant chief, and not less than ten nor more than fifteen men who shall be appointed by the Mayor and confirmed by the councilmen.

SECTION 2. That members of the fire department shall all be volunteers. They shall meet at least once each month for practice and drill, and as compensation for attending such meetings they shall be exempt from poll tax. The chief shall keep a record of attendance of such meetings and no member shall be exempt from said poll tax unless he attends at least eight meetings each year. Any member who shall fail to attend six consecutive meetings shall automatically become expelled from membership. The chief shall receive the sum of $3.00 and the other members of the department shall receive the sum of $2.00 for attendance at fires.

SECTION 3. The chief of the fire department shall be under the supervision of the Mayor and shall have superintending and control over and be responsible for the care and condition of the fire apparatus and equipment, and it shall be his duty to see that all such apparatus and equipment shall be at all times ready for immediate use, and shall submit a written report as to its condition to the Mayor and Council at their first meeting in October.

SECTION 4. The chief of the fire department shall be responsible for the discipline of members and is hereby given the authority to suspend or expel and member for the refusal to obey orders or for misconduct or failure to do his duty at a fire. The chief shall also have the authority to summon any and all persons present to aid in extinguishing a fire or to aid in removing personal property from any building on fire or in danger thereof, and in guarding the same.

SECTION 5. The chief of the fire department shall have full power, control and command over all persons whomsoever present at fires and he shall direct the use of all fire apparatus and equipment, and command all firemen in the discharge of their duties. He shall take such measures as he may deem necessary in the preservation and protection of property and the extinguishing of fires.

SECTION 6. The chief of the fire department shall keep in convenient form a complete record of all fires. Such information shall include the time and location, construction of building, owner, occupancy, how entinguished, value of building and contents, loss on building and contents, members responding to the alarm, and any other information deemed advisable.

SECTION 7. It shall be the duty of the chief of the fire department to adopt all prudent measures for the prevention of fires and for this purpose he and his assistant under his direction may upon request or whenever he has reason to believe that the safety of life and property demands it and so often as he may deem necessary, enter any building, yard or premises in the city during reasonable hours for the purpose of inspection, and where dangerous, unsafe or hazardous conditions are found to exist, he shall give such directions for the alteration, change or removal or better care or management of the same as he may deem proper, and such directions shall be obeyed and complied with by the person directed in that regard and at their expense.

SECTION 8. In the absence of the chief, the assistant chief shall perform all the duties and have all the authority and responsibility of the chief, as conferred by this ordinance.

SECTION 9. All fire apparatus and equipment is hereby given and granted the exclusive right of way over and through all streets, avenues and alleys and public thoroughfares in said city while enroute to fires or in response to any alarm of fire, and no person or persons shall in any manner obstruct or hinder said apparatus as aforesaid.

SECTION 10. It shall be unlwaful for any person or persons to drive any wagon, carriage, automobile, truck, locomotive railroad car or any other vehicle over any fire hose laid in any street, avenue, alley, bridge or vacant lot, provided that this section shall not apply to any apparatus or vehicle belonging to the fire department.

SECTION 11. No person shall place or cause to be placed upon or about any

SECTION 11. No person shall place or cause to be placed upon or about any fire hydrant any rubbish, building material, fence or other obstruction of any character whatsoever in any manner to obstruct, hinder or delay the fire

department in the performance of its duties in the case of fire. Nor shall a person hitch or cause to be hitched to any fire hydrant and animal or animals, nor fasten to same any guy rope or brace, nor back or stand any wagon, truck, automobile or other vehicle within 15 feet of any such hydrant.

SECTION 12. It shall be unlawful for any person or persons to make or sound o cause to be made or sounded or by any other means any false alarm of fire without reasonable cause.

SECTION 13. No person or persons shall use any fire apparatus or equipment for any private purpose, nor shall any person wilfully and without proper authority remove, take away, keep or conceal any tool, appliance or other articles used in any way by the fire department.

SECTION 14. Any person or persons violating any of the provisions of this ordinance or refusing or neglecting to comply with any of the requirements thereof shall upon conviction be deemed guilty of a misdemeanor and fined not less than five ($5.00) dollars, nor more that fifty ($50.00) dollars.

SECTION 15. This ordinance shall take effect and be in force from and after its passage and legal publication.

H. S. F. Bevans, Mayor.

A. S. Rabourn, City Clerk.

Published Jany 17, 1924.

ORDINANCE NO. 198.

Being an ordinance prohibiting gambling or games of chance for money or other valuable consideration and providing a penalty for the violation of the same, within the corporate limits of the city of Almena, Kansas.

Be it ordained by the Mayor and Council of the city of Almena, Kansas:

SECTION 1. Every person who shall bet any money or property of any kind upon the result of the movement of any wheel or other device, or upon any gaming table, bank or gambling device, or the throwing of dice, or upon the result of any game of skill or chance, whether with cards, dice or other thing of chance, or hazard money or property upon chance to be determined by means of any kind, or bet any money or property upon any game played by any kind of gambling device, or bet any money or property on any game by what is known by matching coins or other things, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than One Dollar nor more than One Hundred Dollars, or by imprisonment in the city prison of said city not less that thirty days or by both such fine and imprisonment.

SECTION 2. This ordinance shall be in full force and effect upon its publication in the Almena Plaindealer, the official city newspaper.

Approved this 4th day of May, 1925.

H. S. F. BEVANS, Mayor.

Attest: A. S. RABOURN, City Clerk.

Published May 7, 1925.

ORDINANCE NO. 199

An ordinance providing rules and regulations for the use, speed and operation of motor vehicles and other vehicles, and repealing Ordinance No. 134 of the city of Almena, and all other ordinances in conflict herewith, and providing penalties for the violation of this ordinance.

Be it ordained by the Mayor and Councilmen of the city of Almena:

SECTION 1. The words and phrases used in this ordinance shall, for the purpose of this ordinance, be construed as follows: Motor vehicles shall include automobiles, motor-cycles and all other vehicles propelled by other than muscular power except traction engines, road rollers and any vehicle which runs only on rail or tracks. Highway shall include public streets, avenues and alleys.

SECTION 2. No person who shall drive, operate or be in charge of any motor vehicle shall drive or operate the same in the city of Almena at a greater speed than 12 miles per hour in said city, nor at a rate of speed greater than is reasonable and proper, having regard for traffic and use of the highway and the condition thereof, nor at a rate of speed liable to endanger the life or limb of any person, and it shall be unlawful for any intoxicated person to operate a motor vehicle upon any highway in this city, and any owner or dealer of any motor vehicle who shall, knowingly, permit any intoxicated person to operate their motor vehicle upon any highway in this city shall be deemed guilty of a misdemeanor and shall be punished as herein provided.

SECTION 2. Any person operating a motor vehicle in the city of Almena, when crossing an intersection of streets or highways shall not drive at a speed greater than twelve miles per hour. Motor vehicles turning into another street or highway to the right shall turn to the corner as near the right hand curb or corner as can be reasonably done and such vehicle when turning to the left to the center of an intersecting street shall not turn until it shall have passed beyond the center of such intersesting street; and no turn shall be made in the space between intersecting streets, but the driver of a motor vehicle desiring to turn around shall proceed to the street intersesction before making such turn. Any person operating a motor vehicle in said city who shall cause injury to any person, persons or property of another in the operation of such motor vehicle shall come to a full stop immediately and give all assistance he can and also give his name and residence and any other information requested of him together with the license number of his motor vehicle to the injured person or persons, or other persons present, and in case of death or serious injury by such accident, he shall immediately report same to the City Marshal, Mayor or Police Judge of said city.

SECTION 4. Every motor vehicle shall be provided with a suitable bell, horn or other signal, provided no such bell, horn or other signal shall produce a sound unusually loud, annoying or of a distressing character, and each and every motor vehicle shall be equipped with good and effieient brakes, nor shal any horn, bell or other signal be sounded unnecessarily or unreasonably. Ever such vehicle shall exhibit during the period from one-half hour after sunset to one-half hour before sunrise, one or more lamps showing white lights visibl within a reasonable distance from the direction toward ahich such vehicle is traveling, and a red light visible from the rear. Use of all spotlights prohibited.

SECTION 5. Whenever any person traveling with any vehicle or conveyance on any street, avenue or public place or highway in said city shall overtake another vehicle or conveyance traveling in the same direction and shall by sound or call indicate to the driver thereof his or her desire to pass, it shall be the duty of the driver of the vehicle or conveyance in front, if the nature of the ground or condition of his load will permit, to promptly turn to the right of the center of the road, and the driver of the vehicle or conveyance behind shall then turn to the left of the center of the road and pass by without interfering or interrupting, and the driver of such vehicle or conveyance passing shall not return to the center of the road or street until a safe distance ahead of the vehicle or conveyance passed.

SECTION 6. Every motor vehicle using gasoline or other explosive mixture as a motive power, shall use a muffler which shall be sufficient to deaden the sound of the explosion, and such muffler shall not be disconnected or cut out while such vehicle is being operated or standing still in the city of Almena.

SECTION 7. Every motor vehicle when brought to a standstill on Main street between the Burlington railway and Barclay street of said city shall be drawn up to the curbing with its right side to the curb at an angle of approximately 45 degrees; and before starting to back out the driver shall give due warning and no vehicle shall be parked or permitted to stand on any street within fifteen feet of any fire hydrant or within ten feet of any street corner, intersection or junction or in front of the United States postoffice.

SECTION 8. Penalty---Any person violating any of the provisions of this

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ORDINANCE NO. 199 CONTINUED

ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Dollar and not more than One Hundred Dollars, or not less than 10 days nor more than 30 days in the city prison, or by both such fine and imprisonment, and be committed to the city prison until such fine and costs are paid.

SECTION 9. Ordinance No. 134 of the city of Almena and all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 10. This ordinance shall take effect and be in full force and effect on and after its publication in the Almena Plaindealer.

Passed and approved this 1st day of June, 1925.

H. S. F. BEVANS, Mayor.

Attest: C. L. MORRIS, City Clerk.

Published June 4, 1925.

ORDINANCE NO. 203

Being an ordinance establishing a fire limit and relating to the constructio of buildings and issuing permits therefor, and providing penalties for the violation thereof, and repealing Ordinance No. 91, approved January 14, 1907

Be it ordained by the Mayor and Council of the City of Almena, Kansas:

SECTION 1. The fire limits of the city of Almena, Kansas, are hereby designated and found as follows: Beginning at the intersection of Barclay and Main Street, and south on Main Street to Brooks Street, and including al lots and parcels of land on both sides of Main Street, and abutting said str

SECTION 2. That no building shall be built on any lot or lots within said fire limits until the party or parties wishing to build shall first submit their plans and specifications to the Mayor and Council, and obtain a writt permit to build such buildings; and that no buildings shall be built within said fire limits unless the material consists of brick, stone or cement and that all buildings so built shall have fire proof roofs.

SECTION 3. No buildings of frame construction shall be erected within said fire limits, except that the Mayor, with the consent of the Council, shall have power to issue temporary permit for the erection of one story frame sheds adjacent to buildings in course of erection for the use of builders, which shed shall be demolished upon completion of said building.

SECTION 4. Any person, firm or corporation who shall violate or attempt to violate any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding One Hundred Dollars together with the costs of prosecution, for each day that this ordinance is violated.

SECTION 5. That Ordinance No. 91 is hereby repealed.

SECTION 6. This ordinance shall take effect and be in full force and effe from its publication in the Almena Plaindealer.

Passed and approved February 1, 1926.

ORDINANCE NO. 217

Being an ordinance prohibiting the sale and discharge of fire crackers an fireworks of any kind within the city of Almena.

Now, therefore, be it ordained by the governing body of the city of Almen Kansas:

SECTION 1. It shall be unlawful for any person, firm or corporation to s keep, store, fire or discharge within the city of Almena, any Fire Cracke Roman Candles, Sky Rockets, Pin Wheels, Pistols, Canes, Cannons or other appliances using blank cartridges, or any substances or any articles of explosive nature, designed or intended to be used as fireworks.

SECTION 2. The sale of Fireworks is prohibited.

SECTION 3. Any person, firm or corporation violating any of the provisio of this ordinance shall be deemed guilty of a misdemeanor and upon convic shall be fined not less than Five Dollars nor more than Twenty-Five Dolla for each day's neglect of compliance with this ordinance.

The City Marshal, at his discretion, shall remove or have remov owner's expense, all stocks of fireworks, or other combustibles exposed f sale in violation of this ordinance.

SECTION 4. All ordinances or parts of ordinances in conflict with the foregoing are hereby repealed.

SECTION 5. This ordinance shall take effect and be in full force on and after its publication in the Almena Plaindealer, the official city paper of Almena, Kansas.

Signed: M. S. MELLOR, Mayor.

C. L. MORRIS, City Clerk.

Published January 12, 1928.

ORDINANCE NO. 219

Being an ordinance prohibiting the washing of cars on certain streets in the city of Almena, Kansas.

Be it ordained by the Mayor and City Council of Almena, Kansas:

SECTION 1. That it shall be unlawful for any person or persons to wash automobiles, trucks or other vehicles in or on Main Street or streets adjacent thereto within one-half block of said Main Street in the city of Almena, Kansas.

SECTION 2. Any person found guilty of violating this ordinance shall be fined not less than $1.00 nor more than $25.00 and the costs thereof for such offense.

SECTION 3. This ordinance shall be in full force after its publication in the Almena Plaindealer, the official city paper.

Passed May 6, 1929. Published May 16, 1929.

H. S. F. BEVANS, Mayor.

B. E. MARSH, City Clerk.

ORDINANCE NO. 226

Being an ordinance authorizing the levying of Taxes for 1930 assessment.

Be it ordained by the Mayor and City Council of the City of Almena:

SECTION 1. That the following tax be made against the assessed valuation of the City of Almena, Kansas for the ensuing year:

FUND	MILLS
General	3.00
Interest	5.50
Sinking	6.00
Library	.50
Rest Room	.40
Light	2.50
Water	1.00
Total	18.90

SECTION 2. This ordinance shall be in force and take effect on and after its publication in the Almena Plaindealer, the official paper of the City of Almena.

ATTESTED:

H. S. F. BEVANS, Mayor.

B. E. MARSH, City Clerk.

ORDINANCE NO. 227

An ordinance relating to City Water Works, of the city of Almena, Kansas, amending Sections 1, 7 and 8 of Ordinance No. 110, and repealing said original sections.

Be it enacted by the Mayor and City Council of the City of Almena, Kansas:

SECTION 1. That Section 1 of Ordinance No. 110 be amended to read as follows: Section 1. It shall be unlawful for any person, firm or corporation not specially in the employ of the city of Almena for the purpose, to do any work upon any of the pipes, ditches or appurtenances of the system of water works of the city of Almena, Kansas, without first obtaining a permit in writing from the city clerk of said city. And said city clerk shall not issue such permit until and unless authorized to do so by the mayor and council of said city. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $100.00 and committed to the city jail of said city of Almena until such fine, together with costs of the action, are paid.

SECTION 2. That Section 7 of Ordinance No. 110 be amended to read as follows: Section 7. All water shall be metered, and the charge for same shall be as follows, viz: There shall be a minimum charge of $1.00 per month for each tap, payable at the office of the city treasurer on or before the 10th day of each month in advance, and entitling the user to 3,000 gallons. For excess water above said minimum, the charge shall be 20¢ per 1,000 gallons for the first 10,000 gallons, and 15¢ per 1,000 gallons or major fraction thereof in excess of said 10,000 gallons. Only one dwelling house or business firm shall be supplied from each tap, and where more than one family or business firm is supplied from the same tap, the above rates shall be charged to each family or firm.

See Ordinance 286

Repealed

SECTION 3. That original Section 8 of Ordinance No. 110 is hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its publication as required by law, in the official city paper of Almena, Kansas.

Approved W. H. Evans Mayor.

Attest B. E. Lewis City Clerk.

Passed and approved September 1, 1930.

Published in Almena Plaindealer, September 4, 1930.

ORDINANCE NO. 228

An ordinance defining Pool and Billiard Tables and Pool and Billiard Halls and Bowling Alleys, providing a license tax for same in the city of Almena, Kansas, and repealing Ordinance No. 60, and providing penalties for the violation thereof.

Be it ordained by the Mayor and Council of the City of Almena, Kansas:

SECTION 1. The following words and phrases when used in this ordinance, shall for the purpose of this ordinance, have the meanings respectively ascribed to them in this section, to-wit:-

(a) "Pool Table." Every table or device upon which the game commonly known as "pool" is played, or upon which and similar game is played regardless of whether same is called "pool" or not, a charge for the use of which is made to the persons playing any such game thereon, regardless of whether such charge is made directly or indirectly or whether such charge is made for each game or games played, or by the cue or for each hour or part of an hour such table is used.

(b) "Billiard Table." Every table or device upon which the game commonly known as "billiards" is played, or upon which any similar game is played, regardless of whether same is called "billiards" or not, a charge for the use which table is made to the persons playing any such game thereon, regardless of whether such charge is made, directly or indirectly, or whether such charge is made for each game or games played, or by the cue or for each hour or part of an hour such table is used.

(c) "Pool Hall." Every room, part of a room, or place, where one or more "pool tables" as defined in this section are kept for use.

(d) "Billiard Hall." Every room, part of a room, or place where one or more "billiard tables" as defined in this section are kept for use.

(e) "Bowling Alley." Every room, part of a room, or place, equipped for playing at the game commonly known as "bowling" or "ten pins" or for playing any similar game, where such game or games are played, and where a charge is made to the person or persons playing such game, regardless of whether such charge is made directly or indirectly, or whether such charge is made for each person playing such game, or for each game played, or for the time such equipment is used by the persons playing such game.

SECTION 2. It shall hereafter be unlawful for any person, persons, association of persons, partnership, club, society or corporation, either as principal or agent, to keep and maintain in the city of Almena, any billiard or pool table or tables, or any billiard or pool hall, or any bowling alley or alleys, without having first applied for and obtained a license therefor, as provided in this act, and paying the license fee herein provided for.

SECTION 3. Each application for a license to operate a pool or billiard hall or bowling alley shall be directed to the mayor and city council of the city of Almena, and filed in the office of the city clerk of said city, and shall be accompanied by the following fees, to-wit:- $100.00 for each application for a license to operate a pool or billiard hall, or pool and billiard hall combined, or pool and billiard hall and bowling alley combined, and $10.00 additional for each pool or billiard table to be used therein, and $100.00 for each application for a license to operate a bowling alley, except when combined with a pool or billiard hall, and $10.00 for each game capacity of said bowling alley for playing more than one game at the same time, additional. amended Oct 1, 1934 to read $50.00 the annual charge. (May 1 to May 1 for transfer)

Said fees shall pay the license on said pool hall, billiard hall or bowling alley for the period of one year, and no license shall be issued for lesser period than one year. Every license granted under the provisions hereof shall expire at the expiration of one year from the date thereof. Unexpired license is non-transferable and in case of sale becomes null and void and no refund shall be made by city.

SECTION 4. The governing body of said city of Almena may grant a license when applied for as provided in the preceding sections hereof, and when the license fees, herein provided for are paid, if the applicant is a person of goor moral character, and the place where said pool hall, billiard hall or bowling alley is to be operated is in the business or industrial part of town and properly located with regard to sanitary conditions, and shall not grant such application if the applicant is not of good moral character, or if said pool hall or billiard hall or bowling alley is to be located in the residence part of town and not in the business or industrial part of town. Persons or partnership making such application shall all be of good moral character, and in the case of the applicant being an association as distinguished from an ordinary partnership, a club, society or corporation, and then the requirement as to good moral character shall apply to the managing officers or agent

ORDINANCE NO. 228 CONTINUED

of said association, club, society or corporation. Applications for license as provided herein shall state where hall or alley for which license applied for is to be located, the number of tables to be operated or bowling game capacity and other information asked for.

SECTION 5. The Mayor and City Council are hereby empowered to revoke the license of any person, persons, association of persons, partnership, club, society or corporation to keep and maintain a pool or billiard hall or bowling alley if such place is permitted to become a loafing place for criminals, vagrants or prostitutes or if ganbling or other violations of law are permitted at such place, or if it is otherwise permitted to become a common nuisance, and it is made the duty of said mayor and city council to revoke such license in such case.

SECTION 6. (a) Pool rooms shall not be kept open later than 11:00 o'clock P. M., and shall not be opened from 11:00 o'clock P. M. Saturday night until 6:00 o'clock A. M. Monday morning.

(b) No one shall be permitted to play in said pool room or to loaf there, under the age of 18 years.

SECTION 7. Anyone violating any of the provisions of this act shall be deemed guilty of a misdemeanor and on conviction shall be fined in any sum not to exceed $100.00. Each and every week, that any billiard or pool table or tables, billiard or pool hall or bowling alley is operated without a license shall be and constitute a separate misdemeanor.

SECTION 8. Ordinance No. 60 and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. This ordinance shall take effect and be in force from and after its publication in the Almena Plaindealer, the official city paper.

APPROVED: H. S. F. Bevans

H. S. F. BEVANS, Mayor.

ATTEST: B. E. Marsh

B. E. MARSH, City Clerk.

Passed September 8, 1930.

Published in Almena Plaindealer, September 11, 1930.

ORDINANCE NO. 229

Being an ordinance providing for a license tax on certain occupations and affixing penalties for violation of same, and repealing Ordinance No. 61.

Be it ordained by the Mator and Council of the city of Almena, Kansas:

SECTION 1. That no person or persons, firm or corporation, who is a non-resident of the city of Almena, shall sell or retail or exhibit for sale at retail, or sell at auction any goods, wares or merchandise, without first having paid to the City Treasurer the sum of $25.00 per day, and taking out therefor a license signed by the Mayor and Clerk of said city, and to which the clerk shall have affixed the corporate seal, and countersigned by the Treasurer.

SECTION 2. Any person or persons, form or corporation who shall violate any of the provisions of this ordinance shall be deemed guilty of an offense and on conviction thereof shall be fined in any sum not less than $100.00 nor more than $150.00.

SECTION 3. Ordinance No. 61 and all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect on and after its publication in the Almena Plaindealer, the official city paper.

APPROVED:

H. S. F. BEVANS, Mayor.

ATTEST:

B. E. MARSH, City Clerk.

Passed September 8, 1930.

Published in Almena Plaindealer, September 11, 1930.

ORDINANCE No. 230.

Being an ordinance providing for the Biennial City Election for the City of Almena, Kansas.

Be it ordained by the Mayor and Council of the City of Almena, Kansas

SECTION 1. It is hereby ordered that an Election be held at the Dyatt Building on Main Street in the City of Almena, Kansas, on Monday, April 6th, 1931, for the purpose of electing a Mayor and five Councilmen and a Police Judge to fill such offices, in said City for the ensuing two years.

SECTION 2. That the following citizens shall serve as judges and clerks of election: Judges, J. M. Dragt, D. W. Clouse and B. E. Marsh. Clerks, Leo J. Derks and T. R. Bartley.

SECTION 3. This ordinance shall be in force and take effect on and after its publication in the Almena Plaindealer, the official paper of the City.

First published Thursday, March 5, 1931.

Approved:

Attest: B E Marsh
City Clerk.

_____
Mayor.

ORDINANCE NO. 231.

An ordinance regulating the traffic and providing a penalty for the violation thereof.

STOP STREET. SECTION 1. The governing body is hereby authorized hereafter to designate by resolution, main traveled or through highways by erecting at the entrance thereto from intersecting highways, signs notifying drivers of motor vehicles to come to a full stop or to slow down before entering or crossing such designated highway, and whenever any such signs have been erected, it shall be unlawful for the driver of any motor vehicle to fail to stop in obedience thereto. The lines, signs, markers and signals heretofore or hereafter placed in the streets in the manner as designated by the governing body, shall appraise the drivers of vehicles of through streets.

U-TURNS. SECTION 2. It shall be unlawful for any person operating any motor vehicle to turn same completely around (make two successive left-hand turns) or turn about and return in the opposite direction, making a "U" turn, on Main Street at the following intersections: Bantam and Bryant streets, or such other intersections as may be designated by the governing body by resolutions. Appropriate signs shall appraise the drivers of vehicles of such intersections.

SECTION 3. Any person or persons violating any of the provisions of this ordinance shall on conviction thereof be fined in any sum of not less than $1.00, nor more than $25.00, for each and every offense thereof, together with the costs of prosecution.

SECTION 4. This ordinance shall be in full force and effect on and after its publication in the Almena Plaindealer, the official City paper.

Published May 14, 1931.

Attest: B E Marsh.
City Clerk.

Approved: _____
Mayor.

62

Repealed Mar. 6, 1933
Minutes of Mtg -

ORDINANCE NO. 232

Being an Ordinance in relation to gasoline pumps on main street in the city of Almena.

Be it ordained by the Mayor and Council of the city of Almena Kans.

Section 1. It shall be unlawful for any person, persons, company or corporation to install a gasoline pump on the curb or between the curb and sidewalk on Main Street between Railroad street north to Barclay Street in the City of Almena , or to move any pump now installed to any other Location between above said streets on Main Street.

Section, 2. Any Person, Persons, Company or Corporation violating any of the above provisions of this ordinance shall upon conviction there of, be fined in any sum of not less than twenty five dollars and more than one hundred dollars.

Section,3. This Ordinance shall be in full forec after it publication in the Almena Plaindealer, the official paper.

Approved [signature] Mayor

Attest B E Mark City Clerk

Passed and approved this 1st day of June 1931.

Published in the Almena Plaindealer June 4th, 1931

ORDINANCE NO 236

BEING AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO 228 PARTAINING TO POOL AND BILLIARD HALLS AND POOL AND BILLIARD TABLES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALMENA KANS

SECTION 1. THAT SECTION THREE OF ORDINANCE NO 228 BE AND THE SAME IS HERE BY AMENDED TO READ AS FOLLOWS.
EACH APPLICATION FOR A LICENCE TO OPERATE A POOL OR BILLIARD HALL OR BOWLING ALLEY SHALL BE DIRECTED TO THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ALMENA KANS.
AND FILED IN THE OFFICE OF THE CITY CLERK OF SAID CITY AND SHALL BE ACCOMPANIED BY THE FOLLOWING FEE TO WIT. $50.00 FIFTY DOLLARS FOR EACH APPLICATION FOR A LICENCE TO OPERATE A POOL OR BILLIARD HALL OR BOOL OR BILLARD HALL COMBINED OR BOWLING ALLEY AND $5.00 FIVE DOLLARS ADDITIONAL FOR EACH POOL OR BILLARD TABLE TO BE USED THEREIN AND $50.00 FIFTY DOLLARS FOR EACH APPLICATION FOR A LICENCE TO OPERATE A BOWLING ALLEY EXCEPT WHEN COMBINED WITH A POOL OR BILLARD HALL AND $5.00 FIVE DOLLARS FOR EACH GAME CAPACITY OF SAID BOWLING ALLEY FOR PLAYING MORE THAN ONE GAME AT THE SAME TIME ADDITIONAL.

SECTION .2. THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PUBLICATION IN THE ALMENA PLAINDEALER THE OFFICIAL CITY PAPER.

B E Mayle
CITY CLERK

W H Brown
MAYOR.

Jan-2-1932

ORDINANCE NO. 237.

AN ORDINANCE PROVIDING FOR THE REGULAR CITY ELECTION.

Be it Ordained by the governing body of the City of Almena

Section 1. That the regular city election of the City of Almena Kansas, shall be held on Monday the 8th day of April, 1933, from the hours of 8 oclock A.M. to 6 oclock P.M. _____, for the purpose of electing a mayor, a police judge and five councilmen.

Section 2, That A.H.Kingham, David Bantam, and G,H,Graham are hereby designated by the mayor, with the approval of the council, to act as judges of said election: and Mrs Amber Shaw and Mrs Don Steele are hereby designated by the council to act as clerks of said election.

Section 3, this ordinance shall take effect and be in force from and after its publication in the official paper of the city.

Passed the City Council this 6th day of March, 1933

Approved this 6th day of March, 1933

(SEAL)
Attest:

H.A. Thomas
Mayor

B.C. Marsh
City Clerk

Published March 9th, 1933.

(Published once in the Plaindealer on July 6th , 1933)

Ordinance No. 238

AN ORDINANCE AUTHORIZING AND DIRECTING THE ISSUANCE OF FUNDING BONDS OF ALMENA, KANSAS, IN THE AGGREGATE AMOUNT OF $ 2,785.60, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY OFF AND DISCHARGE THE VALID INDEBTEDNESS OF SAID CITY EXISTING ON APRIL 30, 1933.

WHEREAS, the city of Almena, Kansas, pursuant to the provisions of Chapter 319, Session Laws of Kansas, 1933, heretofore caused to be published and posted a full, true and detailed finantial statement showing the finantial condition of said City as of April 30, 1933: and

WHEREAS, thereafter certain changes were made in said finantial statement, and an amended and rectified finantial statement has been duly approved, from which amended and rectified statement it appears that the total amount of the indebtedness of the said City as of April 30, 1933, was in the principal sum of $ 2,785.60; and

WHEREAS, no appeals to the District Court of Norton County, Kansas, are now pending from the action of the governing body of said city in fixing and determining the amount of said indebtedness to be funded under said statute, and said City now has full power uner said act to authorize funding of said indebtedness,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEN OF SAID CITY OF ALMENA, KANSAS:

Section1. That the governing body of the city of Almena, Kansas, does hereby declare, find and determine that the total amount of the indebetdness and obligations of said City existing on April 30, 1933, to be funded under the provisions of chapter 319, Session Laws of Kansas, 1933, is in the principal sum of $ 2,785.60.

Section 2. That for the purpose of providing funds to pay off and discharge the valid indebtedness and obligations of the City of Almena, Kansas, existing on April 30, 1933, as heretofore determined, said indebtedness aggregating the principal sum of $ 2,785.60, there shall be issued and are hereby issued, Funding Bonds of the City Of Almena, Kansas, in the total sum of $ 2,785.60. Said issue shall consist of Six (6) bonds, numbered from 1 to 6, inclusive, bond numbered 1 being in the sum of $ 112.50, bond numbered 2 being in the sum of $ 673.10, and bonds numbered 3 to 6, inclusive, being in the sum of $ 500.00 each. All of said bonds shall be dated July 1, 1933, and said bonds shall become due serially as follows:

Nos.	Denomination	Amount	Due
1	$ 112.50		
2	673.10	$ 785.60	Aug. 1, 1935
3	500.00	500.00	Aug. 1, 1936
4	500.00	500.00	Aug. 1, 1937
5	500.00	500.00	Aug. 1, 1938
6	500.00	500.00	Aug. 1, 1939

All of said bonds shall bear interest from date at rate of 5% per annum, payable semi-annually on February 1 and August 1 in each year, the first interest cupon, however, representing seven months' interest and becoming due February 1, 1934. Both principal and interest of said bonds shall be payable at the office of the State Treasurer of the State of Kansas, in the City of Topeka, Kansas.

Section 3. Said bonds shall be redeemable on any interest paying date after issueance thereof, and each of said bonds shall contain a provision to that affect.

Section 4. Said bonds shall be signed by the Mayor and City Clerk, shall be registered by the City Clerk, and also by the Auditor of the State of Kansas, and the facsimile signatures of the Mayor and Clerk shall appear on each interest cupon, said signatures being hereby ratified and confirmed as the signatures of said officers. The seal of said City shall be affixed to each bond.

(CONTINUED)

Section 5. Facsimile of Bonds.

Section 6. After execution and registration of said Bonds hereinbefore described, the same shall be delivered to the purchaser or purchasers thereof, or may be used by the Mayor and Councilmen in payment of any of the indebtedness for which the same were issued according to law. Any proceeds of the sale of said bonds shall be used for the sole purpose of paying off and discharging the indebtedness of said City of Almena, Kansas, existing on April 30, 1933, as heretofore declared, found and determined by the said Mayor and Councilmen. Any balance remaining in the hands of the Treasurer of said City, after paying off and discharging any such indebtedness, shall be applied to the payment or retirement of the funding bonds of said City hereinbefore authorized, including interest thereon.

Section 7. The full faith, credit and resources of the City of Almena, Kansas, shall be, and the same are hereby irrevocably pledged for the prompt payment of he said Funding Bonds and the interest thereon, dated July 1, 1933, hereinbefore described. For the purpose of paying the interest of said bonds and the principal thereof as the same shall become due, the governing body of the said City shall annualy cause to be levied on all the taxable property within the said City a tax sufficient to produce a fund to pay the interest on said bonds and to pay the principal thereof as the same matures.

Section 8. Any and all previous action heretofore taken by the governing body of the City of Almena, Kansas, inconsistent with this ordinance shall be and the same is hereby repealed.

Section 9. This ordinance shall take affect and be in force from and after its approval and its publication once in the official City paper

Passed and Approved this 3rd. day of July, 1933.

Jonnie Van Winkle
Mayor.

ATTEST:

L. J. Fearing
City Clerk.

(SEAL)

Ordinance No.239

Being an ordinance providing for the annual tax levy for the City of Almena Kansas.

Be it ordained by the Mayor and Council of the City of Almena Kansas.

Section One.: That the following tax levy be made against the assessed valuation of the City of Almena Kansas for the ensuing year.

General Fund	.003
Street and Alley Fund	.002
Light and Water "	.002
Rest Room "	.00025
Library "	.00075
Bond and Interest "	.0165
Sinking Fund	.0135
Total	.038

Section Two. This ordinance shall be in force and take effect on and after ts publication in the Almena Plaindealer the official paper of the City.

Attest: J.L.Fearing,City Clerk

Jerome VanWinkle,Mayor

Passed the city Council Aug. 28, 1933
Published in the Almena Plaindealer Aug. 31, 1933

Ordinance No.240

Being an ordinance pertaining to dances in the City of Almena Kansas.

it ordained by the Mayor and City Council of the City of Almena Kansas.

ection One. Each application for license to operate a dance shall be dir -
ed to the mayor and city council of the city of Almena Kansas amd filed in
office of the city Clerrk of said city, and shall be accompanied by a feeof
00,said fee to cover cost of license for one dance only.Every dance to be
sed not later than twelve o'clock midnight.

ection Two.Any person or persons violating any of the provisions of this
inance shall on conviction thereof be fined not less than $25.00 nor more
n $100.00 for each and every offense thereof together with the cost of pros -
tion.

Section Three. This ordinance shall be in full force and effect on and after
publication in the Almena Plaindealer,the official paper of the Cityof
ena Kansas.

test: Jerome VanWinkle,Mayor

J.L.Fearing, City Clerk

Passed the City Council Feb. 5, 1934
Published in the Almena Plaindealer Feb. 8, 1934

Ordinance No. 241

Being an ordinance to regulate and license the operation of dances and dance halls in the City of Almena with provisions for the collection of fees for such licenses and providing penalties for the violation thereof.

Be it ordained by the Governing body of the City of Almena, County of Norton, State of Kansas.

Section One: That any person or persons, firm or corporation desiring to conduct a dance or operate a dance hall withinthe corporate limits of the City of Almena, shall first obtain a license to conduct such dance or to operate such dance hall.

Section Two: That to obtain such license, the operator of any dance or dance hall shall first apply to the City Clerk of the City of Almena, who upon receipt of three dollars is authorized to issue such license under the regulations as provided for in section three of this ordinance.

Section Three:

Article one; That in no case shall a license forthesdperation of a dance or dance hall be issued covering a period of time greater than one day.

Article two; That no license shall be issued wherein permission is granted to conduct a dance or operate a dance hall later than 12:59 A.M. of the day following the issuance of the license.

Article three; That no license shall be issued which shall not conform to the rules and regulations of the lawfully constituted Welfare board of the City of Almena.

Article four;

Section Four: That all dances or dance halls operating under the terms and conditions of this ordinance shall be open at all times to the legally constituted authorities of the City of Almena.

Section Five: That any person or persons, firm or corporation who shall conduct a dance or operate a dande hall in the City of Almena without first obtaining a license as provided for by this ordinance or who shall viola te any of the provisions thereof shall be guilty of a misdemeanor ans upon conviction thefefor shall be fined in any sum not less than ten dollars nor more than fifty dollars for each offense together with the costs of conviction.

Section Six: That any and all ordinances pertaining to dances which may be in effect previous to the adoption of this ordinance are hereby repealed.

Section Seven; That this ordinance shall be in full force and effect from and after its publication in the Almena Plaindealer.

Attest John H.Eckhart City Clerk A.H.Kingham Acting Mayor

Passed the City Council July 2 1934
Published in the Almena Plaindealer July 5, 1934

June 3 / 1935 Council agreed to
[illegible] dance License to $5.00.

Ordinance No.242

Being an ordinance providing for the annual tax levy for the City of Almena Kansas.
Be it ordained by the Governing Body of the City of Almena Kansas.

Section One; That the following tax levy be made against the assessed valuation of the City of Almena Kansas.

Fund	Mills
General	1.00
Street and Alley	2.00 ~~1.75~~
Street Lighting	1.75
Rest Room	.25
Library	.75 ~~.50~~
Bond and Interest	24.00
Total	29.75

Section Two;That this ordinance shall be in full force and effect from and after its publication in the Almena Plaindealer.

Attest John H.Eckhart
City Clerk

Signed Arthur Kingham
Acting Mayor

Passed the City Council this 6th day of August 1934

Approved by the Acting Mayor this 6th day of August 1934

Published in the Almena Plaindealer this [illegible] day of August 1934

Note;The provisions of this ordinance were later changed by the County clerk to conform with budget requirements and resulted in levys as follows;
General,None Street and alley 1.50 Rest room,.10 Library,.10

Passed the City Council Aug. 6th 1934
Published in the Almena Plaindealer Aug. 9, 1934

Almena Kansas

October 1,1934

Ordinance No.243

Being an ordinanced providing for the amendment of ordinance No.236 relating to the licensing of pool and billiard halls.

Section One; That ordinance No. 236 is hereby repealed.

Section two; That Section three of ordinance No.228be and the same is hereby amended to read as follows;Each application for a license to operate a pool or billiard hall shall be accompanied by a fee of fifty dollars,which shall constitute the annual charge for such license.

Section Three;This ordinance shall be in full force and effect from and after its publication in The Almena Plaindealer.

Attest
John H.Eckhart
City Clerk

Signed
Jerome B.VanWinkle
Mayor

Passed the City Council this first day of October 1934

Approved By Jerome B.VanWinkle Mayor this first day of October 1934

Published in the Almena Plaindealer this 666 dayof October 1934

Almena Kansas

February 4th 1935

ORDINANCE NO. 244

Being an ordinance providing for the regular City Election.

Be it ordained by the Governing Body of the City of Almena;

Section One: That the regular election of the city of Almena Kansas shall be held on Monday the first day of April 1935 from the hours of eight o'clock A.M. to Six o'clock P.M. at the old mercantile building for the purpose of electing a Mayor, a Police Judge and five Councilmen.

Section Two: That J.M.S.Chessir, Arthur Kingham and Elmer Wray are hereby designated by the Mayor with the approval of the council to act as judges of said election; and that Mrs Alta Gowdy and Mrs Amber Shaw are hereby designated by the council to act as clerks of said election.

Section three: This ordinance shall take effect and be in force from and after its publication in the official paper of the City.

Passed the City council this fourth day of February 1935

Approved this fourth day of February 1935.

Jerome B.VanWinkle Mayor

Attest John H.Eckhart City Clerk.

Published in The Almena Plaindealer this _____ Day of F_____ 1935

Almena, Kansas August 5th, 1935.

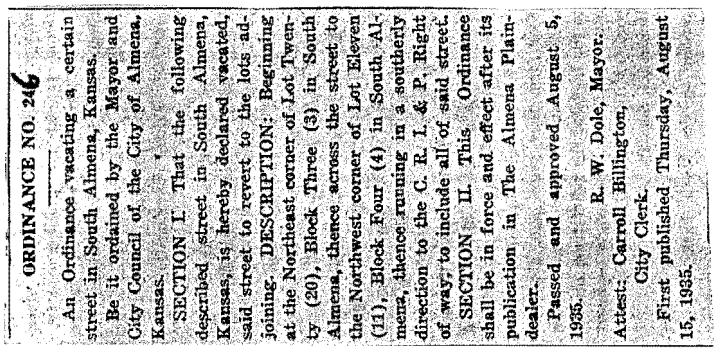
ORDINANCE NO. 246

Being an ordinance vacating a certain street in South Almena, Kans.
Be it ordained by the Mayor and City Council fo the city of Almena, Kansas
SECTION 1: That the following described street in South Almena, Kansas, is hereby declared vacated, said street to revert to the lots adjoining.
DESCRIPTION :: Beginning at the Northeast corner of Lot Twenty (20), Block Three (3) in South Almena, thence actoss the street to the Northwest corner of Lot Eleven (11), Block Four (4) in South Almena, thence running in a southerly direction to the C. R. I. & P. R. R. Right of way, to include all of said street.
SECTION 2: This Ordinance shall be in force and effect after its publication in the Almena Plaindealer.
Passed and Approved this 5th day of August, 1935.

Attest: Carroll Billington.
Clerk

R. W. Dole.
Mayor.

Published in the Almena Plaindealer August 15th, 1935.



ORDINANCE NO. 246

An Ordinance vacating a certain street in South Almena, Kansas.
Be it ordained by the Mayor and City Council of the City of Almena, Kansas.
SECTION I That the following described street in South Almena, Kansas, is hereby declared vacated, said street to revert to the lots adjoining. DESCRIPTION: Beginning at the Northeast corner of Lot Twenty (20), Block Three (3) in South Almena, thence across the street to the Northwest corner of Lot Eleven (11), Block Four (4) in South Almena, thence running in a southerly direction to the C. R. I. & P. Right of way, to include all of said street.
SECTION II This Ordinance shall be in force and effect after its publication in The Almena Plaindealer.
Passed and approved August 5, 1935.
R. W. Dole, Mayor.
Attest: Carroll Billington,
City Clerk.
First published Thursday, August 15, 1935.

Almena, Kansas. August 12th, 1935.

ORDINANCE NO. 247

Being an ordinance providing for the annual tax levy for the city of Almena, Kansas.

Be it ordained by the Governing Body of the City of Almena, Kans.

SECTION 1 : That the following tax levy be made against the assessed valuation of the City of Almena, Kansas.

FUND		LEVY
General	::	00.00
Street and Alley	::	.75
Library	::	.50
Rest Room	::	.50
Bond and Interest	::	3.25
Sinking	::	6.00
Street Lights	::	1.75
Park	::	.75
		13.50

SECTION 2 : That this Ordinance shall be in force and effect from and after its publication in the Almena Plaindealer.

Attest: Carroll Billington.
Clerk

R. W. Dole.
Mayor.

Passed by the City Council this 12th day of August, 1935.

Approved by the Mayor this 12th day of August, 1935.

Published in the Almena Plaindealer this 15th day of August, 1935.



Ordinance No 276.

An Ordinance to provide a speed limit on Highway #383 for that portion that is within the City limits of the City of Almena, Kansas.

Be it ordained by the City Governing Body of the City of Almena, Kansas.

Section No I:
That the speed limit for all vehichles using Highway No 383 for that portion that is within the City limits of the City of Almena shall be 35 miles per hour.

Section No2:
That the penalty for the violation of said speed limit shall be the same previously provided by Ordinance for speeding.

Section No 3:
That this Ordinance shall take effect and be in force after its publication in the official newspaper, the Almena Plaindealer.

This Ordinance approved and passed on the 6th day of July, I953.

Published by the Almena Plaindealer July 9th, I953.

Wallace Prinsen, City Clerk Carl E. Foland, Mayor.

Publication Notarized by B. E. Marsh, Notary Public.

Above Ordinance repealed April 1-1957
in favor of Ordinance 288

See Ordinance No. 288

Ordinance No 277

An Ordinance to provide sewer use and connections charge and a special fund for the operation, renewing and extending of the sewer system.

Be it ordained by the Governing Body of the City of Almena, Kansas;

Section NoI:
That a special sewer fund be establishedto provide funds for the operating, renewing and extending of the City sewer System

Section No 2:
That a charge of $25.00 shall be made and due the City for each sewer connection made after this Ordinance goes into effect.

Section No 3A
That a charge of $I5.00 each shall be made and due the City each month from the two school districts fo the use of the City sewer system

3B
That a charge of $I.00 shall be made and due the City each month from any other user of the City sewer for the use of the City sewer system.

3C
That said charges shall be due and payable in the same manner and at the same time as the City water bills.

Section No 4:
That this Ordinance shall take effect and be in force the Ist day of the month next following its passage and publication in the official City newspaper.

Approved and passed July 6th, I953.

Wallace Prinsen, City Clerk. Carl E. Foland, Mayor.

Published in the Almena PlaindealerJuly I6th, I953

Publication Notarized by B. E. Marsh, Notary Public.

THIS ORDINANCE REPEALED AUGUST 3rd, I953, SEE ORDINANCE NO 279.

Above Ordinance

Ordinance No 278.

An Ordinance repealing Ordinance No 277, which provided for sewer connection charges.

Be it ordained by the Governing Body of the City of Almena Kansas:

Section No I:
That Ordinance No 277 be repealed.

Section No 2:
That this Ordinance shall take effect and be in effect immediately and shall void any charges set up in Ordinance No 277 to take effect August Ist, I953, and shall be retroactive to said date after publication in the official City newspaper.

Approved August 3rd, I953

Wallace Prinsen, City Clerk. Carl E. Foland, Mayor.

Published by the Almena Plaindealer August 6th, I953.

Publication notarized by B. E. Marsh, Notary Public

Ordinance No 279

An Ordinance to provide sewer use and sewer connection charges and a special fund to provide for the operating, renewing and extending of the City sewer system.

Be it ordained by the Governing Body of the City of Almena, Kansas:

Section No I:
That a special sewer fund be established to provide funds for the operating, renewing and extending of the City sewer system.

Section No 2:
That a charge of $25.00 shall be made and due the City for each sewer connection made after this Ordinance goes into effect.

Section No 3-A
That a charge of $I5.00 each shall be made and due the City each month from the two school districts for the use of the City sewer system.

Section 3-B
That a charge of $I.00 shall be made and due the City each month from every user of the City sewer for the use of the City sewer system.

Section 3-C
That said charges shall be due and payable in the same manner and at the same time as the City water bills.

Section No 4:
That this Ordinance shall take effect and be in force the Ist day of the month next following its passage and publication in the official city newspaper.

Approved and passed September 8th, I953.

Wallace Prinsen, City Clerk. Carl E. Foland, Mayor.

Published in the Almena Plaindealer September I7th, I953.

Publication notarized by B. E. Marsh, Notary Public

SEE ORDINANCE NO. 315 WHICH WAS ADOPTED OCTOBER 19th, 1970

ORDINANCE NO. 280

AN ORDINANCE AUTHORIZING AND DIRECTING THE CALLING OF A SPECIAL ELECTION IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF SAID CITY A PROPOSITION TO ISSUE AND SELL GENERAL OBLIGATION BONDS OF SAID CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING $60,000.00, FOR THE PURPOSE OF CONSTRUCTING AND REBUILDING A NEW SEWERAGE TREATMENT AND DISPOSAL PLANT FOR SAID CITY.

WHEREAS, The Governing Body of the City of Almena, Norton County, Kansas deems it necessary and advisable to construct and rebuild a new sewerage treatment and disposal plant for said City; and,

WHEREAS, In order to provide funds to pay the cost of constructing and rebuilding a new sewerage treatment and disposal plant for said City it is necessary to issue General Obligation Bonds of the City of Almena, Norton County, Kansas, in the amount of not exceeding $60,000.00;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

Section 1. That the Governing Body, or a majority of them, are hereby authorized and directed to call a special election for the purpose of submitting to the qualified electors of the City of Almena, Norton County, Kansas, a proposition to issue and sell General Obligation Bonds of said City in the aggregate principal amount of not exceeding $60,000.00, for the purpose of constructing and rebuilding a new sewerage treatment and disposal plant for said City.

Section 2. That said election shall be held on the 26th day of March, 1954, and the polling place at said election shall be the usual place of holding elections in said City, to-wit:

Almena City Hall, Almena, Kansas

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

OFFICIAL BALLOT

SHALL THE FOLLOWING BE ADOPTED?

"SHALL the City of Almena, Norton County, Kansas, issue and sell General Obligation Bonds of said City in the aggregate principal amount of not exceeding $60,000.00, for the purpose of providing funds to pay the cost of constructing and rebuilding a new sewerage treatment and disposal plant for said City, under the authority of Section 12-630a of the General Statutes of Kansas for 1949, and all amendments thereto ?"

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 : ___ :
: ___ :

Section 4. Notice of said election shall be given in the manner provided by law. Such notice shall set forth the time and place of holding the election and the purpose for which the bonds are to be issued, shall be signed by the Mayor and Council, or a majority of them, and shall be published in a newspaper of general circulation in said City once each week for three consecutive weeks, the first publication to be not less than twenty-one (21) days prior to said election.

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

Section 6. This ordinance shall be in force and effect from and after its adoption, approval and publication in the official paper of said City.

ADOPTED and approved this 1st day of MARCH, 1954.

Earl E. Toland
Mayor of the City of Almena, Norton County, Kansas.

Attest: Ray T. Williams
City Clerk

(Seal)

ORDINANCE NO 280

Authorizing Special Election fornew sewage disposal system, election to be held March 26th, 1954.

(First Published In The Almena Plaindealer March 4, 1954) 1t

ORDINANCE NO. 280

AN ORDINANCE AUTHORIZING AND DIRECTING THE CALLING OF A SPECIAL ELECTION IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF SAID CITY A PROPOSITION TO ISSUE AND SELL GENERAL OBLIGATION BONDS OF SAID CITY IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING $60,000.00, FOR THE PURPOSE OF CONSTRUCTING AND REBUILDING A NEW SEWERAGE TREATMENT AND DISPOSAL PLANT FOR SAID CITY.

WHEREAS, The Governing Body of the City of Almena, Norton County, Kansas deems it necessary and advisable to construct and rebuild a new sewerage treatment and disposal plant for said City; and,

WHEREAS, In order to provide funds to pay the cost of constructing and rebuilding a new sewerage treatment and disposal plant for said City it is necessary to issue General Obligation Bonds of the City of Almena, Norton County, Kansas, in the amount of not exceeding $60,000.00;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

Section 1. That the Governing Body, or a majority of them, are hereby authorized and directed to call a special election for the purpose of submitting to the qualified electors of the City of Almena, Norton County, Kansas, a proposition to issue and sell General Obligation Bonds of said City in the aggregate principal amount of not exceeding $60,000.00, for the purpose of constructing and rebuilding a new sewerage treatment and disposal plant for said City.

Section 2. That said election shall be held on the 26th day of March 1954, and the polling place at sai election shall be the usual place holding elections in said City, to-wit:

Almena, City Hall, Almena, Kansas.

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

OFFICIAL BALLOT

SHALL THE FOLLOWING BE ADOPTED?

"SHALL the City of Almena, Norton County, Kansas, issue and sell General Obligation Bonds of said City in the aggregate principal amount of not exceeding $60,000.00, for the purpose of providing funds to pay the cost of constructing and rebuilding a new sewerage treatment and disposal plant for said City, under the authority of Section 12-630a of the General Statutes of Kansas for 1949, and all amendments thereto?"

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 ☐

Section 4. Notice of said election shall be given in the manner provided by law. Such notice shall set forth the time and place of holding the election and the purpose of which the bonds are to be issued, shall be signed by the Mayor and Council, or a majority of them, and shall be published in a newspaper of general circulation in said City once each week for three consecutive weeks, the first publication to be not less than twenty-one (21) days prior to said election.

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

Section 6. This ordinance shall be in force and effect from and after its adoption, approval and publication in the official paper of said City.

ADOPTED and approved this 1st day of March, 1954.

CARL E. FOLAND
Mayor of the City of Almena, Norton County, Kansas

Attest:

RAY T. WILLIAMS
City Clerk

(Seal)

Special Election, in accordance with the provisions of Ordinance No. 280, passed by the Governing Body of the City of Almena, Norton County, Kansas, on the 1st day of March, 1954, and published in THE ALMENA PLAINDEALER on the 4th day of March, 1954, will be held in said City of Almena, Norton County, Kansas, on the 26th day of March, 1954, between the hours of EIGHT o'clock A. M. and SIX o'clock P. M. of said day.

The purpose of said election is to submit to the qualified electors of said City of Almena, Norton County, Kansas:

THE PROPOSITION of authorizing the issuance and sale of General Obligation Bonds of the said City of Almena, Norton County, Kansas, in the aggregate principal amount of not exceeding $60,000.00, for the purpose of providing funds to pay the cost of constructing and rebuilding a new sewerage treatment and disposal plant for said City, under the authority of Section 12-630a and Article 1 of Chapter 10, of the General Statutes of Kansas for 1949, and all amendments thereto.

The polling place of said election shall be the usual place of holding elections in said City, to-wit:

Almena City Hall, Almena, Kansas

of Almena, Norton County, Kansas.

DATED this 2nd day of March, 1954.

CARL E. FOLAND
Mayor of the City of Almena, Norton County, Kansas

BEN PETERSON
ESTON ASHLEY
DAVID BANTAM
M. A. BURNETT
G. T. VAN DE WEGE
Councilmen

Attest:
RAY T. WILLIAMS
City Clerk
(Seal)

ORDINANCE No. 281

AN ORDINANCE AUTHORIZING [redacted] CONSTRUCTING AND REBUILDING A NEW SEWERAGE TREATMENT AND DISPOSAL PLANT FOR THE CITY OF ALMENA, NORTON COUNTY, KANSAS, AND PROVIDING FOR THE ISSUANCE OF $60,000.00 IN GENERAL OBLIGATION BONDS OF SAID CITY TO PAY FOR THE COST OF THE SAME, AS AUTHORIZED BY SECTION 12-630a, AND ARTICLE 1 OF CHAPTER 10, G.S. OF KANSAS FOR 1949, AND ALL AMENDMENTS THERETO.

Whereas, The Governing Body of the City of Almena, Norton County, Kansas, has heretofore by ordinance duly and regularly passed on March 1, 1954, authorized and directed the Governing Body, or a majority of them to call a special election for the purpose of submitting to the qualified voters of said city, a proposition to issue and sell General Obligation Bonds of said city in the aggregate principal amount of not exceeding $60,000.00, for the purpose of constructing and rebuilding a new sewerage treatment and disposal plant for said City; and,

Whereas, special notice of said election for that purpose, stating the purpose for which the election was called, the amount of bonds voted on, the purpose for which the bonds were to be used, and the time, when and the place where, said election was to be held was given by the Mayor and City Councilmen on March 2, 1954, which notice was signed by the Mayor, the City Councilmen and the City Clerk, was duly and regularly published in three consecutive issues of the Almena Plaindealer, the official newspaper of the City of Almena, the first publication of which was at least twenty-one (21) days prior to the date fixed for such election; and

Whereas, said election was held, and the governing body did on March 26, 1954, canvass the vote thereon and declare that a majority of the electors voting voted in favor of the proposition of issuing said bonds; and

Whereas, all other legal requirements, as provided in the statutes of the State of Kansas, have been fully complied with, with reference to the making of said improvement and the issuance of bonds to pay for the cost thereof;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

Section 1. That the City of Almena, Norton County, Kansas, construct and rebuild a new sewerage treatment and disposal plant for said city.

Section 2. That for the purpose of paying the cost thereof there shall be issued bonds of the City of Almena, Norton County, Kansas, in the amount of $60,000.00, which said bonds shall be in the denomination of $1,000.00 each, numbered from 1 to 60, both inclusive, be dated June 1, 1954, and bear interest at the rate of 3 percent per annum, said interest being payable December 1, 1954, and semi-annually thereafter on the first days of December and June of each year, and said bonds maturing in the following amounts, on the following dates, to-wit:

Number	Maturity	Amount
1 to 5 Incl.	June 1, 1955	$5,000.00
6 to 10 Incl.	June 1, 1956	$5,000.00
11 to 15 Incl.	June 1, 1957	$5,000.00
16 to 20 Incl.	June 1, 1958	$5,000.00
21 to 25 Incl.	June 1, 1959	$5,000.00
26 to 30 Incl.	June 1, 1960	$5,000.00
31 to 35 Incl.	June 1, 1961	$5,000.00
36 to 40 Incl.	June 1, 1962	$5,000.00
41 to 45 Incl.	June 1, 1963	$5,000.00
46 to 50 Incl.	June 1, 1964	$5,000.00
51 to 55 Incl.	June 1, 1965	$5,000.00
56 to 60 Incl.	June 1, 1966	$5,000.00

Section 3. That said bonds and coupons shall contain recitals, and be in the form and of the size as provided by statutes of the State of Kansas.

Section 4. That said bonds shall be signed by the Mayor and attested by the Clerk of said City, and shall have the corporate seal affixed, and the interest coupons shall be signed with the facsimile signatures of said Mayor and City Clerk and both principal and interest shall be payable at the office at the State Treasurer of the State of Kansas, in the City of Topeka, Kansas.

Section 5. The Mayor and City Clerk are hereby authorized and directed to prepare and execute the bonds hereinbefore described and to advertise and sell the same in the manner provided by law, and, when duly executed and registered, to deliver said bonds to the purchaser or purchasers thereof.

Section 6. The full faith, credit and resources of the City of Almena, Norton County, Kansas, shallbe, and the same are hereby irrevocably pledged to the prompt payment of said bonds and all interest thereon. The Governing Body of the City of Almena, Kansas, shall annually make provision for the payment of the principal and interest on said bonds as the same become due by levying taxes and assessments upon the property within the city as provided by law.

Section 7. That this ordinance shall be in full force and take effect from and after it s publication in the Almena Plaindealer, the official city paper.

Passed and approved this 3rd day of May, 1954.

Carl E. Foland, Mayor
of the City of Almena,
Norton County, Kansas

Attest:
Ray T. Williams, City Clerk

ORDINANCE NO 281.

Ordinance authorizing the issuance of Revenue Bonds ($60,000.00) paying the cost of Sewage Disposal System (1954)

LEGAL NOTICES

(First Published in the Almena Plaindealer, May 6, 1954)

ORDINANCE No. 281

AN ORDINANCE AUTHORIZING CONSTRUCTING AND REBUILDING A NEW SEWERAGE TREATMENT AND DISPOSAL PLANT FOR THE CITY OF ALMENA, NORTON COUNTY, KANSAS, AND PROVIDING FOR THE ISSUANCE OF $60,000.00 IN GENERAL OBLIGATION BONDS OF SAID CITY TO PAY FOR THE COST OF THE SAME, AS AUTHORIZED BY SECTION 12-630a, AND ARTICLE 1 OF CHAPTER 10, G.S. KANSAS FOR 1949, AND ALL AMENDMENTS THERETO.

Whereas, The Governing Body of the City of Almena, Norton County, Kansas, has heretofore by ordinance duly and regularly passed on March 1, 1954, authorized and directed the Governing Body, or a majority of them to call a special election for the purpose of submitting to the qualified voters of said city, a proposition to issue and sell General Obligation Bonds of said city in the aggregate principal amount of not exceeding $60,000.00, for the purpose of constructing and rebuilding a new sewerage treatment and disposal plant for said City; and

Whereas, special notice of said election for that purpose, stating the purpose for which the election was called, the amount of bonds voted on, the purpose for which the bonds were to be used, and the time, when and the place where, said election was to be held was given by the Mayor and City Councilmen on March 2, 1954, which notice was signed by the Mayor, the City Councilmen and the City Clerk, was duly and regularly published in three consecutive issues of the Almena Plaindealer, the official newspaper of the City of Almena, the first publication of which was at least twenty-one (21) days prior to the date fixed for such election; and

Whereas, said election was held, and the governing body did on March 20, 1954, canvass the vote thereon and declare that a majority of the electors voting voted in favor of the proposition of issuing said bonds; and

Whereas, all other legal requirements, as provided in the statutes of the State of Kansas, have been fully complied with, with reference to the making of said improvement and the issuance of bonds to pay for the cost thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

Section 1. That the City of Almena, Norton County, Kansas, construct and rebuild a new sewerage treatment and disposal plant for said city.

Section 2. That for the purpose of paying the cost thereof there shall be issued bonds of the City of Almena, Norton County, Kansas, in the amount of $60,000.00, which said bonds shall be in the denomination of $1,000.00 each, numbered from 1 to 60, both inclusive, be dated June 1, 1954, and bear interest at the rate of 3 percent per annum, said interest being payable December 1, 1954, and semi-annually thereafter on the first days of December and June of each year, and said bonds maturing in the following amounts, on the following dates, to-wit:

Number	Maturity	Amount
1 to 5 Incl.	June 1, 1955	$5,000.00
6 to 10 Incl.	June 1, 1956	$5,000.00
11 to 15 Incl.	June 1, 1957	$5,000.00
16 to 20 Incl.	June 1, 1958	$5,000.00
21 to 25 Incl.	June 1, 1959	$5,000.00
26 to 30 Incl.	June 1, 1960	$5,000.00
31 to 35 Incl.	June 1, 1961	$5,000.00
36 to 40 Incl.	June 1, 1962	$5,000.00
41 to 45 Incl.	June 1, 1963	$5,000.00
46 to 50 Incl.	June 1, 1964	$5,000.00
51 to 55 Incl.	June 1, 1965	$5,000.00
56 to 60 Incl.	June 1, 1966	$5,000.00

Section 3. That said bonds and coupons shall contain recitals, and be in the form and of the size as provided by statutes of the State of Kansas.

Section 4. That said bonds shall be signed by the Mayor and attested by the Clerk of said City, and shall have the corporate seal affixed, and the interest coupons shall be signed with the facsimile signatures of said Mayor and City Clerk and both principal and interest shall be payable at the office at the State Treasurer of the State of Kansas, in the City of Topeka, Kansas.

Section 5. The Mayor and City Clerk are hereby authorized and directed to prepare and execute the bonds hereinbefore described and to advertise and sell the same in the manner provided by law, and, when duly executed and registered, to deliver said bonds to the purchaser or purchasers thereof.

Section 6. The full faith, credit and resources of the City of Almena, Norton County, Kansas, shall be, and the same are hereby, irrevocably pledged to the prompt payment of said bonds and all interest thereon. The Governing Body of the City of Almena, Kansas, shall annually make provision for the payment of the principal and interest on said bonds as the same become due by levying taxes and assessments upon the property within the city as provided by law.

Section 7. That this ordinance shall be in full force and take effect from and after its publication in the Almena Plaindealer, the official city paper.

Passed and approved this 3rd day of May, 1954.

Carl E. Foland, Mayor
of the City of Almena,
Norton County, Kansas

Attest:
Ray T. Williams, City Clerk

ORDINANCE NO 282.

Be it ordained by the Governing Body of the City of Almena Kansas, providing for a City Election:

Section I City
The regular election of the City of Almena Kansas, Shall be held on Tuesday, April 5th I955 between the hours of 8:00 A. M. and 6:00 P. M., in the City Hall, for the purpose of electing a Mayor, Police Judge and Five Councilmen.

Section No 2:
That Dave Clouse, Chas. Colipand, B. E. Marsh be and are hereby designated and approved as Judges of said election, and that Letha Getty and Gladys Wendel are designated as clerks of said election.

Section No 3:
This Ordinance shall be and take effect from and after it's pubilcation in the Almena Plaindealer, the official City paper.

The above ordinance approved and passed by said City Council this 7th day of March, I955.

Ray T. Williams, City Clerk. Carl E. Foland, Mayor.

Published in the Almena Plaindealer March I7th, I955.

See Ordinance No 287 for City Election April 2 - 1957

ORDINANCE NO 283

Ordinance granting Kansas-Nebraska Gas Co Inc, 20 year Franchise.

(First Published In The Almena Plaindealer, July 21, 1955)

Almena, Kansas

ORDINANCE NO. 283

An ordinance granting to Kansas-Nebraska Natural Gas Company, Inc., a Kansas Corporation, its successors and assigns, the right and authority to construct, install, maintain and operate a gas transmission and distribution system, including mains, pipes, conduits, services and other necessary structures and appliances thereto appertaining, in, under, upon, over, across and along the streets, alleys, bridges and public grounds within the present and future corporate limits of the City of Almena, Kansas, for the furnishing, transmission, distribution and sale of gas whether artificial, natural, mixed or otherwise, for heating, domestic, industrial and other purposes, and for transmitting gas into, through and beyond said city, and defining the terms upon which such right and authority are granted; and providing for the repeal of Ordinance No. 248 of said city, passed on the 24th day of February, 1936.

Be It Ordained by the Governing Body of the City of Almena, Kansas:

SECTION 1. That in consideration of the benefits to be derived by said City and the public thereof from the installation and operation of a gas distribution system in said City, the right and authority be and hereby are granted to Kansas-Nebraska Natural Gas Company, Inc., a Kansas Corporation, its successors and assigns (hereinafter collectively referred to as "Grantee"), to construct, install, maintain, and operate a gas transmission and distribution system, including mains, pipes, conduits, services and other necessary structures and appliances thereto appertaining, in, under, upon, over, across and along the streets, alleys, bridges and public grounds within the present and future corporate limits of the City of Almena, Kansas, for the furnishing, transmission, distribution and sale of gas, whether artificial, natural, mixed, or otherwise, for heating, domestic, industial and other purposes, and for transmitting gas into, through and beyond said city.

SECTION 2. All mains, pipes, conduits and services shall be installed and maintained so as to interfere as little as practicable with traffic over the streets, alleys, bridges and public places of said city.

When Grantee shall do any work of construction, repair or maintenance of said system in the course of which any pavement, curbing or gutter upon any street, alley, bridge or public place shall be excavated, Grantee shall properly protect excavations and shall promptly restore such street, alley, bridge or public place as far as practicable to as good condition as before such work was done.

SECTION 3. Grantee shall make such reasonable extensions of the mains of said system from time to time as warranted by expansion and development of demand, but Grantee shall not be required to make any extensions for the purpose of serving any new consumer or consumers which will necessitate the installation of more than one hundred (100) feet of main for each consumer to be served, or where the estimated revenue to be derived from serving such new consumer or consumers is insufficient to show an adequate return upon the total additional investment required to serve such new consumer or consumers.

SECTION 4. Grantee shall have the right to make such reasonable rules and regulations for the protection of its property, the prevention of loss and waste and in connection with the distribution and sale of gas as from time to time it may deem necessary or expedient, including reasonable meter deposits in such amounts as may be required to assure payment of bills.

Grantee shall have the right to enter the premises of consumers at all reasonable times for the purpose of reading meters, inspecting pipes and gas appliances and disconnecting and removing meters.

SECTION 5. Grantee agrees during the term hereof, at all times to protect, save harmless and indemnify said City from any and all liability or judgments, legally established, arising or growing out of the construction, maintenance and operation of said system by Grantee and due to or caused by the fault or negligence of Grantee.

SECTION 6. In consideration of the rights and privileges herein granted, the Grantee shall pay to the City Treasurer a semi-annual payment for each year of the duration of this franchise, in an amount equal to two per cent (2%) of the gross receipts derived by the Grantee from sales of gas delivered to residential (commonly known as domestic) gas users within said City. Payment shall be made on or before September 1st of each year for the first six months of said year and on or before March 1st for the last six months of the preceding year and each such payment shall be accompanied by a statement showing the total amount of the gross receipts upon the basis of which the computation for such payment was made.

Such payment shall be in lieu of any and all other fees, charges, licenses, taxes or assessments which the City may impose for the rights and privileges herein granted or for the privilege of doing business within the City and, in the event any such fee, charge, license, tax or assessment shall be imposed by the City, the payment to be made in accordance with the provisions of this section shall be refunded in an amount equal to the annual burden of such fee, charge, license, tax or assessment imposed upon the Grantee. Ad valorem property taxes imposed generally upon all real and personal property within the City shall not be deemed to affect the obligation of the Grantee under this section.

SECTION 7. The right and authority herein granted shall continue for the period of twenty years from and after the date this ordinance goes into effect under Section 10 hereof.

SECTION 8. This ordinance and the rights, authority and franchise hereby granted shall terminate and be of no further force or effect (a) unless within four months after the legal enactment hereof Grantee shall file with the City Clerk of said City a written acceptance hereof; also (b) if and when after such acceptance Grantee, its successors or assigns, shall make and file with the City Clerk of said City a surrender hereof in writing.

SECTION 9. Wherever the term "Grantee" is used herein the same shall be held to mean and include said Kansas-Nebraska Natural Gas Company, Inc., its successors and assigns.

SECTION 10. This ordinance shall be published as required by law and shall take effect and be in force upon the expiration of sixty days from date of its final passage, subject the provisons of the statute in s case made and provided.

SECTION 11. Upon the taking of of this ordinance and the filing acceptance hereof by Grantee, provided in Section 8 hereof, O nance No. 248 of said City, pa and approved on February 28, 1 shall be repealed and of no fur force or effect.

Passed July 5, 1955.

Attest:

RAY T. WILLIAMS
City Clerk of the City of Almena, Kansas

M. A. BURNETT
Mayor of the City of Almena, Kansas.

ORDINANCE NO 284

The City of Almena Kansas, to maintain landscaping and roadside Park, adjacent to State Highway 383.

WHEREAS, The State Highway Commission of Kansas desires to include in its program a project designated as Project No., 383-69K 3039 (2), for the landscaping and roadside improvement of Highway 383 described as follows:

Roadside Park near the Southeast edge of Almena, including landscape treatment, shelterhouse and picnic facilities.

WHEREAS:, the cost of said project will be paid for by the State, PROVIDED, that the City of Almena under authority of Section I2-679 and I2-680, General Statutes of I949, will agree to assume the responsibility for maintainance of the project, now, therefor:

Section No I,
Be it ordained , by the City Councilof the City of Almena that upon construction of the foregoing project by the Commission, the City of Almena hereafter, at its own cost and expense, will maintain the project in a manner satisfactory to the State Highway Commission or its authorized representative and will make ample provision each year for such maintenance. Maintenance is understood to include watering, weeding, cultivating, fertilizing, spraying and all work required for satisfactory growth of plants and removing unsightly trash around such improvements. Also the policing of the picnic area and the maintenances of the picnic facilities. Also installation of water lines and hydrants and to provide water to motorists.

Section No 2:
This ordinance shall be in full force and effect after its publication in the Almena Plaindealer.

Ray T. Williams, Clerk. M. A. Burnett, Mayor.

Passed and approved by the City Governing Body October 3rd, I955

Published in the Almena Plaindealer October I3th, I955.

ORDINANCE NO 285

Being an Ordinance prohibiting the construction of new Septic tanks, cesspools or outhouses on property that is located adjacent to a line of the City Sewer system and providing for the penalty in case of violation.

Section No I:
It shall be unlawful to construct a new septic tank, cesspool or outhouse on a property that is located adjacent to a line of the City Sewer System Provided, however, that this ordinance shall not apply to the repair of an existing unit.

Section No 2:
Violation of this ordinance shall be deemed a misdemeanor and upon conviction, the fine shall be the sum of Five Dollars for each day that the new unit exists, with each day's violation to be considered as a separate offense.

Section No 3:
That this Ordinance shall be in full force and effect after its publication in the Almena Plaindealer.

Approved and passed by the City Governing Body, October 3rd, I955.

Ray T. Williams, City Clerk. M. A. Burnett, Mayor.

Published in the Almena Plaindealer October 27th, I955.

ORDINANCE NO. 286 Repealed Oct 5, 1970 V
See below

An Odinance repealing Section 6 Of Ordinance No. IIO establishing a new water tapping charge and connection charge .

Section NO. I: That section 6 of Ordinance NO. IIO is hereby repealed.

Section NO. 2: That a fee of $35.00 be charged for tapping and connecting to tha City water system.

Section NO. 3: That part of Section 7 of Ordinance NO. IIO is repealed and should be changed to read as follows:

Section NO. 4: That a minimum charge of $I.50 for the first 3,000 gallons of water used and for each I,000 gallons of water above the minimum of 3,000 gallons shall be charged at the rate of I5¢ per I,000 gallons used. Only one dwelling [redacted] or business firm shall be supplied from each tap, and where more than one family or business firm is supplied from the same tap, the above rates shall be charged to each family or firm.

Section NO. 5: That this Ordinance shall be in full force and effect after its publication in the Almena Plaindealer.

Approved and passed by the City Governing Body November 7th, I955.

Ray T. Williams, City Clerk. M. A. Burnett, Mayor

Published in the Almena Pliandealer, November IOth, I955.

THE ABOVE ORDINANCE REPEALED OCTOBER 5th, I970 (Ordinance No. 286).

SEE ORDINANCE NO. 315 WHICH WAS PASSED AND APPROVED.OCTOBER I9th, I970, AND IN FULL FORCE OCTOBER 22nd, I970.

See Ordinance No. 315, Dec 8, 1970

---------- Ordinance No. 287 ----------

Be it Ordained by the Governing Body of the City of Almena Kansas, providing for a City election.

Section No I:

The regular City election of the City of Almena Kansas, shall be held on Tuesday April 2nd I957, between the hours of 8:00 A M and 6:00 P M in the City Hall, for the purpose of electing a Mayor, five Councilman and a Police Judge,

Section No 2:

That Dave Clouse, B, E. Marsh and Dave Bantam, are hereby designated and approved as Judges of said election, and that Gladys Wendel and Letha Getty are hereby designated and approved as Clerks of said election.

Section No 3:

That this Ordinance shall be in force and effect after its first publication in the Almena Plaindealer, the Official City newspaper.

This Ordinance approved and passed by the City Governing Body of the City of Almena Kansas, Monday March 4th, I957.

Ray T. Williams, City Clerk. M. A. Burnett, Mayor.

First published in the Almena Plaindealer, March 7th, I957.

---------- Ordinance No 288 ----------

An Ordinance to provide a speed limit on High-way No. ~~283~~ 383 for that portion that is within the City limits of the City of Almena Kansas.

Be it ordained by the City Governing Body of the City of Almena Kansas:

Section No. I:
That Ordinance No. 276 Is hereby repealed.

Section No. 2:
That the speed limit for all vehicles using High-way No. ~~283~~ 383, for that portion that is within the City limits of the City of Almena, shall be forty-five (45) miles per hour.

Section No. 3:
That the penalty for violation of said speed limit, shall be not less than fifteen dollars ($I5.00) nor more than one hundred dollars ($I00.00) fine, plus court costs.

Section No. 4:
That this Ordinance shall be in force and effect after its publication in the official newspaper, the Almena Plaindealer.

This Ordinance approved and adopted April Ist., I957.

Earl Wicker — M. A. Burnett, Mayor.

R. E. Nelson

Councilmen: L.J. Shukman

Ray Kent

Ray T. Williams, City Clerk.

This Ordinance published in the Almena Plaindealer April 4th., I957.

ORDINANCE NO. 289

An Ordinance limiting the location of bulk storage of liquified petroleum gas to certain areas within the City Limits of Almena Kansas.

Be it Ordained by the Governing Body of the City of Almena, Norton Co. Kansas:

SECTION NO. I. That it shall be unlawful for any person to store or locate a storage tank for liquified petroleum gas in excess of 500 gallons within the city limits of Almena, Kansas, unless said liquified petroleum gas is maintained and stored in accordance with the regulations of the State Fire Marshall, and located within I50 feet of any United States Highway within said City limitsof Almena, Kansas.

SECTION NO. 2. That any violation of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction in Police Court shall be fined any sum not to exceed $I00.00. For each day that such a condition exists shall be and constitute a separate misdemeanor.

SECTION NO. 3. That this Ordinance shall be and take effect from and after its publication in the Almena Plaindealer, the Official City newspaper.

Passed and approved by the City Governing Body this 3rd day of February I958.

Mayor, L. J. Shukman

City Clerk, Ray T. Williams

ORDINANCE NO. 290.

An Ordinance prohibiting U-turns on Main Street and Bryant Street in Almena, Kansas, except at intersections, and providing penalty for violation of same.

Be it Ordained by trh Governing Body of the City of Almena, Norton County, Kansas:

SECTION NO. I. That it shall be unlawful for any person driving and operating a motor vehicle to make a U-turn at any place on Main St. or Bryant St. except at the intersection with another street within the city limits of Almena, Kansas.

SECTION NO. 2. Any person violating this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not to exceed $25.00.

SECTION NO. 3. That this Ordinance shall take effect and be in force from and after its publication in the Almena Plaindealer, the Official city newspaper.

Passed and Approved this 7th Day of April, 1958.

Mayor L. J. Shukman

City Clerk Ray T. Williams

ORDINANCE NO. 291.

Be it Ordained by the Governing Body of the City of Almena, Kansas, providing for a City election.

SECTION NO. I. The regular City election of the City of Almena, Kansas, shall be held on Tuesday, April 7th, 1959, between the hours of 8:00 A.M. and 6:00 P.M. in the City Hall, for the purpose of electing a Mayor, five Councilmen and a Police Judge.

SECTION NO. 3. That B. E. Marsh, Iver Standish, and Dave Bantam are hereby designated and approved as Judges of said election, and that Letha Getty and Inez Keith are hereby designated and approved as Clerks of said election.

SECTION NO. 3. This Ordinance shall be and take effect from and after its publication in the Almena Plaindealer, the official city newspaper.

The above Ordinance approved and passed by the City Governing Body of the City of Almena, Kansas, March 2nd., 1959.

Mayor L. J. Shukman

City Clerk Ray T. Williams

First publication March 5th., 1959.

LEGAL NOTICES

(First Published in The Almena Plaindealer, August 6, 1959)

ORDINANCE NO. 292

AN ORDINANCE DECLARING IT NECESSARY FOR THE CITY OF ALMENA, NORTON COUNTY, KANSAS, TO PURCHASE MATERIALS AND CONSTRUCT IMPROVEMENTS AND EXTENSIONS TO ITS WATER WORKS SYSTEM, AND DIRECTING THE ISSUANCE OF BONDS OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS, IN THE SUM OF $10,000.00, FOR THE PURPOSE OF EXTENDING AND IMPROVING THE WATER WORKS SYSTEM OF SAID CITY, AND THE LEVY OF A TAX TO PAY THE PRINCIPAL AND INTEREST THEREON, UNDER THE AUTHORITY OF SECTIONS 12-836 TO 12-840, BOTH INCLUSIVE, OF THE GENERAL STATUTES OF KANSAS FOR 1949, AND ALL AMENDMENTS THERETO.

WHEREAS, The Mayor and City Council of the City of Almena, Norton County, Kansas, duly assembled in regular session, did on the 1st day of June, 1959, declare by Resolution that they deemed it necessary to improve the Water Works System of said City by enlarging, repairing, extending and improving the same; and,

WHEREAS, Such resolution did duly authorize and direct Mousel & Wright, Consulting Engineers to forthwith prepare plans, specifications and detailed estimates of the cost of such improvements, and file the same with the Clerk of said City; and,

WHEREAS, Such plans and specifications have been duly prepared and filed with the City Clerk of said City; and,

WHEREAS, Said plans, specifications and estimates have been presented to the state Corporation Commission of the State of Kansas for approval and have been approved by said State Corporation Commission of the State of Kansas.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

Section 1. That the system of Water Works now and heretofore owned and operated by the City of Almena, Norton County, Kansas, shall be improved by enlarging, repairing and extending the same, the nature and extent of such improvement to be in accordance with the said plans and specifications heretofore prepared by Mousel & Wright, Consulting Engineers; and the estimate of the cost thereof, filed with the City Clerk of said City, and approved by the State Corporation Commission of the State of Kansas, which said approval is now on file with the City Clerk of the City of Almena, Kansas for inspection.

Section 2. That the cost and expense of such improvement shall not exceed the estimate of such cost made by Mousel and Wright, Consulting Engineers, in the sum of $10,000.00, which said estimate was approved by the State Corporation Commission of the State of Kansas.

Section 3. That for the purpose of paying the cost of improving, enlarging, repairing and extending the Water Works System of the said City of Almena, Norton County, Kansas, there shall be issued General Obligation Bonds (Water Works Improvement), in the sum of $10,000.00, which said issue shall consist of ten (10) bonds, numbered from 1 to 10 both inclusive, in the denomination of $1,000.00 each, be dated September 1, 1959, bear interest at the rate of 4% per annum, payable March 1, 1960, and semi-annually thereafter on the first day of September and March of each year until said principal sum shall have been paid, and said bonds shall mature in the following amounts, upon the following dates, to-wit:

Numbers	Maturity	Amount
1 to 2	September 1, 1960	$ 2,000.00
3 to 4	September 1, 1961	2,000.00
5 to 6	September 1, 1962	2,000.00
7 to 8	September 1, 1963	2,000.00
9 to 10	September, 1, 1964	2,000.00
		$10,000.00

Section 4. Said bonds and coupons shall contain recitals, and be in the form and of the size as provided by the statutes of the State of Kansas.

Section 5. That said bonds shall be signed by the Mayor and attested by the Clerk of said City, and shall have the corporate seal affixed, and the interest coupons shall be signed with the facsimile signatures of said Mayor and City Clerk and both principal and interest shall be payable at the office of the State Treasurer, or the State of Kansas, in the City of Topeka, Kansas.

Section 6. The Mayor and City Clerk are hereby authorized to prepare and execute said bonds and coupons, and, when so executed, said bonds shall be registered as required by law, and the Governing Body shall annually make provision for the payment of the principal and interest of said bonds as the same shall become due by levying a tax upon all the taxable property of said City.

Section 7. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. That this ordinance shall be in full force and take effect from and after its publication in The Almena Plaindealer, the official City paper, as provided by law.

PASSED and approved this 3rd day of August, 1959.

L. J. SCHUKMAN
Mayor of the City of Almena,
Norton County, Kansas

Attest: M. A. BURNETT
City Clerk

(Seal)

LEGAL NOTICES

(Published in The Almena Plaindealer, July 9, 1959)

RESOLUTION

RESOLVED, That the mayor and council of the City of Almena, Kansas, deem it necessary to improve the system of waterworks of said City by enlarging, repairing, extending and improving the same; and further

RESOLVED, That Mousel & Wright be, and hereby is, directed to forthwith prepare plans and specifications and a detailed estimate of the cost of such improvements, and file the same with the City Clerk.

L. J. SCHUKMAN
Mayor.

ATTEST:
M. A. BURNETT

STATE CORPORATION COMMISSION

STATE OF KANSAS

Nº 24365

COMMISSIONERS
MARION BEATTY, HARRY G. WILES, RICHARD C. BYRD

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Raymond B. Harvey,

Secretary of the State Corporation Commission of the State of Kansas, do hereby certify that the following and hereto attached is a true copy of ORDER:

In the matter of the application of the City of Almena for an order approving the plans, specifications and estimate for the improvement of its waterworks system.	DOCKET NO. 61,005-U

the original of which is now on file and a matter of record in this office.

IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed the seal of the State Corporation Commission.

Done at the City of Topeka, this 27th day of July A. D. 1962

Secretary, State Corporation Commission

mr

BEFORE THE STATE CORPORATION COMMISSION

OF THE STATE OF KANSAS

In the matter of the application of the City of Almena for an order approving the plans, specifications and estimate for the improvement of its waterworks system.	DOCKET NO. 61,005-U

O R D E R

Now on this 22nd day of July, 1959, there comes on for consideration and determination by the State Corporation Commission (Harry G. Wiles, Chairman, Marion Beatty and Richard C. Byrd, Commissioners) the application of the City of Almena, Kansas, for an Order approving the plans, specifications and cost estimate for the improvement of its waterworks system, and having given due consideration to the application, the exhibits, and being fully advised in the premises, the Commission finds:

1. That Applicant deems it necessary to rehabilitate and improve its waterworks system, which consists of cleaning 6,690' of 6" mains, cleaning 7,380' of 4" mains, install 1,815' of new 4" mains, four fire hydrants, and miscellaneous fittings so as to improve the waterworks system, and has so declared itself by resolution.

2. That the cost estimate of $10,000.00 does not exceed two percent (2%) of the tangible assessed valuation, and Applicant in the instant docket requests authority to issue bonds in the amount of $10,000.00, when added to the present bonded indebtedness, will not exceed fifteen percent (15%) of the tangible assessed valuation.

3. That the plans, specifications and cost estimate in the amount of $10,000.00 for the proposed improvements have been reported as reasonable by the Commission's Acting Chief Engineer, and that they should be approved.

IT IS, THEREFORE, BY THE COMMISSION ORDERED:

That the application in the instant docket be, and it hereby is, granted.

IT IS FURTHER BY THE COMMISSION ORDERED:

That the plans, specifications and cost estimate in the amount of $10,000.00 attached to the application dated July 6, 1959, by the City of Almena, Kansas, be, and the same are hereby approved.

BY THE COMMISSION IT IS SO ORDERED.

RAYMOND B. HARVEY, SECRETARY

SEAL

Ordinance No 293

LEGAL NOTICES

First publication April 21, 1960. 1t

ORDINANCE NO. 293

An Ordinance reducing the fire zone area by removing therefrom Lots 16, 17 and 18, Block 2, Original Town of Almena, Kansas.

Be It Ordained by the Governing Body of the City of Almena, Norton County, Kansas:

Section 1. That Lots 16, 17 and 18, of Block 2, Original Town of Almena, Kansas, are hereby removed from the Fire Zone of the City.

Section 2. That this ordinance shall take effect and be in force from and after its publication in the Almena Plaindealer, the official city newspaper.

Passed and approved this 4th day of April, 1960.

L. J. SCHUKMAN,
Mayor

Attest: M. A. BURNETT,
City Clerk

Ordinance No. 294

PROOF OF PUBLICATION

State of Kansas, Norton County, ss.

Robert T. Moody

of lawful age, being duly sworn upon oath states that he is the publisher of THE ALMENA PLAINDEALER, that said newspaper has been published at least weekly fifty (50) times a year and has been so published for at least one year prior to the first publication of the attached notice; that said paper was entered as second class mail matter at the post office of its publication; that said paper has a general paid circulation on a weekly basis in Norton County, Kansas, and is not a trade, religious or fraternal publication and has been printed and published in Norton County, Kansas.

The attached was published on the following dates in a regular issue of said newspaper:

First Publication was made

on the 20 day of Oct, 1960

Second Publication was made

on the 27 day of Oct, 1960

Third Publication was made

on the 3 day of Nov, 1960

Fourth Publication was made

on the _____ day of _____, 19____

Fifth Publication was made

on the _____ day of _____, 19____

Publication Fee $9.82

Affidavit, Notary's Fees $_____

Additional Copies ____@____ $_____

Total Publication Fee $_____

(Sign) Robert T. Moody

Witness my hand this 5 day of Nov., 1960

Subscribed and sworn to before this 5 day of Nov., 1960

(Notary Public)

My commission expires 12-18-61

(First Published in The Almena Plaindealer, October 20, 1960) 3t

ORDINANCE NO. 294

An Ordinance providing for the vacation of a portion of Bannock Street in the City of Almena, Norton County, Kansas.

Be It Ordained By The Governing Body of The City of Almena:

Section 1. That the City Council deems that it is unnecessary to keep and maintain a portion of Bannock Street in the said City of Almena.

Section 2. That Bannock Street between Van Horn Street and Washington Street is hereby vacated as a street and the portion so vacated shall revert to the owners of the real estate immediately adjacent thereto.

Section 3. That this ordinance shall take effect and be in full force from and after its passage and publication in the Almena Plaindealer, the official city newspaper.

Approved and passed this 3rd day of October, 1960.

Approved: L. J. SCHUKMAN
Mayor

Attest: M. A. Burnett
City Clerk

(SEAL)

Ordinance 295

LEGAL NOTICES

(First Published in The Almena Plaindealer, March 2, 1961) 3t

ORDINANCE NO. 295

Be it Ordained by the Governing Body of the City of Almena, Kansas, providing for a City election.

SECTION NO. 1: That the regular City election of Almena, Kansas, shall be held on Tuesday, April 4th, 1961, between the hours of 8:00 A.M. and 6:00 P.M. in the City Hall, for the purpose of electing a Mayor, five Councilmen and a Police Judge.

SECTION NO. 2: That Dave Bantam, Walter Lough and Iver Standish are hereby designated and approved as Judges of said election, and that Letha Getty and Atrice Moore are hereby designated and approved as Clerks of said election.

SECTION NO. 3: That this Ordinance shall be and take effect from and after its publication in The Almena Plaindealer, the official city newspaper.

The above Ordinance passed and approved by the City Governing Body of the City of Almena, Kansas, February 6th, 1961.

L. J. SCHUKMAN, Mayor

M. A. BURNETT, City Clerk

Ordinance 296

LEGAL NOTICES

(First Published in The Almena Plaindealer, March 16, 1961)

ORDINANCE NO. 296

AN ORDINANCE PROVIDING FOR THE PURCHASE OF ELECTRIC ENERGY FOR THE OPERATION OF THE STREET LIGHTING SYSTEM IN THE CITY OF ALMENA, KANSAS, AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH WESTERN LIGHT AND TELEPHONE COMPANY, INC., FOR SUCH SERVICE.

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

Section 1. That the Mayor and City Clerk be and they are hereby authorized, directed and empowered to execute on behalf of said city a contract with Western Light & Telephone Company, Inc., for furnishing electric energy for the operation of the Street Lighting System in said city, which contract shall be in form substantially as follows:

CONTRACT FOR
STREET LIGHTING SERVICE

This agreement made and entered into this ------ day of ---------- 1961 by and between WESTERN LIGHT & TELEPHONE COMPANY, INC., hereinafter called "Company" and the CITY of ALMENA, KANSAS, hereinafter called "Customer".

ARTICLE I

For a period of 10 years from the date hereof the Company will furnish, erect, maintain, clean, repair and operate, in accordance with Street Lighting Rate Schedules 49-SL-2, 56-SL-1 and 56-OSL-25, attached hereto, electric street lights in the City of Almena, Kansas and the Customer will receive and pay for this service at the rates stipulated in the schedule or schedules. The rate schedule or schedules above referred to constitutes the present legal rate of Company for the class of service contracted for and is subject to change by order of the legally constituted rate-making body having jurisdiction over the Company's rates.

ARTICLE II

The Customer will purchase the entire requirements for overhead street lighting in the City of Almena, Kansas, from the Company and will operate a minimum of: (a) Primary Traffic Street 11 - 6000 Lumen Luminaires on wood poles; (b) Residential Service 13 - 6000 Lumen Luminaires on wood poles, 32 1000 Lumen overhead lights, and 2 100 Watt overhead lights.

Company is to retain ownership of all street lighting equipment, with right to remove the same upon termination of this agreement.

ARTICLE III

The Customer will not levy any special assessment or license tax against the property of the Company used and useful in furnishing street lighting service.

ARTICLE IV

The Customer may, from time to time, cause to be increased the number of street lights by making written request upon Company, stating the number, capacity and location desired, such request to be made at least 90 days prior to the time such additional street lights are to be required by the Customer. These additional lights will be installed at points not to exceed 300 feet from any existing Company street lights in cases where poles must be installed to carry the additional lights and wiring; and not to exceed 600 feet from any existing Company street light in cases where poles necessary to carry the additional lights and wiring already installed.

The cost of any additional lights will be according to the rate schedule attached hereto.

Company agrees to change the location of any street light upon written request of City, provided City may be charged the actual cost, of such moving.

ARTICLE V

The Customer will pay the Company on or before the 10th day of each calendar month, at the office of the Company, for the service rendered during the preceding month, an amount determined in accordance with the schedule of rates attached hereto and made a part of this contract.

ARTICLE VI

The Company will exercise all reasonable diligence to furnish Customer at all times service as herein contracted for but will not be liable in damages for any interruption, deficiency or failure of service. The Company reserves the right to interrupt the service when such interruption is necessary for repairs to its lines or equipment.

ARTICLE VII

If Customer should fail to perform any of its obligations under this contract, including prompt payment of monthly bills, the Company, may by giving written notice 10 days in advance, suspend delivery and will not be liable in any manner for loss or damage arising through such suspension, nor will such suspension interfere with the enforcement by Company of any other legal right or remedy. No delay by Company in enforcing any of its rights hereunder will be deemed a waiver of such rights, nor will a waiver by the Company of any one of Customer's defaults be deemed a waiver of any other, or subsequent default.

ARTICLE VIII

In witness whereof, the parties hereto have caused this contract to be executed by these duly authorized officers, the day and year first above written.

WESTERN LIGHT &
TELEPHONE COMPANY, INC.
By ----------
President

ATTEST:
By ----------
Assistant Secretary

THE CITY OF ALMENA, KANSAS
By ----------
Mayor

ATTEST:
By ----------
City Clerk

(Seal)

Section 2. Upon the passage and approval of this ordinance and its publication once in the Almena Plaindealer which publication is hereby directed, two counterparts of the "Street Lighting Contract" embodied herein shall be prepared and signed in the name of the City by the Mayor and attested by the City Clerk, with the seal of the City affixed and when signed on behalf of Western Light & Telephone Company, Inc., by its President or Vice President, attested by its Secretary or Assistant Secretary, with the seal of the Company affixed, said agreement embodied herein shall become effective and constitute a valid and binding contract between the parties hereto, and the signing of such contract and delivery to the City Clerk of one such signed counterpart by Western Light & Telephone Company, Inc., shall be deemed an acceptance by it of this Ordinance. The other counterpart shall be delivered to the Company.

Passed and approved this 7th day of March, 1961.

L. J. SCHUKMAN
Mayor

ATTEST:
M. A. BURNETT
City Clerk

(Seal)

Ordinance 297

LEGAL NOTICES

(First Published in The Almena Plaindealer, March 16, 1961)

ORDINANCE NO. 297

AN ORDINANCE PROVIDING FOR THE PURCHASE OF ELECTRIC ENERGY FOR THE OPERATION OF THE WATER PUMPING SYSTEM IN THE CITY OF ALMENA, KANSAS, AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH WESTERN LIGHT & TELEPHONE COMPANY, INC. FOR SUCH SERVICE.

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

Section 1. That the Mayor and City Clerk be and they are hereby authorized, directed and empowered to execute on behalf of said city a contract with Western Light and Telephone Company, Inc. for furnishing electric energy for the operation of the Water Pumping System in said city, which contract shall be in form substantially as follows:

CONTRACT FOR ELECTRIC SERVICE FOR MUNICIPAL WATER PUMPING

This agreement made and entered into this _____ day of _____, 1961 by and between the WESTERN LIGHT & TELEPHONE COMPANY, INC., hereinafter called "Company" and the City of Almena, Kansas, hereinafter called "Customer".

WITNESSETH:

ARTICLE I

For a period of ten (10) years from the date hereof the Company will sell and deliver to the Customer and Customer will purchase from the Company all the energy required for the operation of the Customer's Water Pumping System, in accordance with Rate Schedule 40-WP-10, attached hereto.

ARTICLE II

The Customer agrees to provide free of charge a suitable location for the Company's metering and control equipment, convenient of access to employees of the Company, and the Customer further agrees to furnish to the Company a right of way over the Customer's premises for the location of necessary lines and apparatus.

ARTICLE III

The point of delivery at which energy will be supplied, measured and accepted will be at the Company's meter or meters located as follows: at city's water pumping stations.

The energy will be delivered at 60 cycle, 3 phase, 230 volts, alternating current and in the amount of approximately 30 kilowatts. Additional amounts of energy will be furnished within 90 days after written request by the Customer.

ARTICLE IV

The Customer will pay the Company on or before the 10th day of each calendar month, at the office of the Company, for the service rendered during the preceding month, an amount determined in accordance with the schedule of rates attached hereto and made a part of this contract.

ARTICLE V

The Company will exercise all reasonable diligence to furnish Customer at all times service as herein contracted for but will not be liable in damages for any interruption, deficiency or failure of service. The Company reserves the right to interrupt the service when such interruption is necessary for repairs to its lines or equipment.

ARTICLE VI

No delay by Company in enforcing any of its rights hereunder will be deemed a waiver of such rights, nor will waiver by the Company of any one of Customer's defaults be deemed a waiver of any other, or subsequent default.

ARTICLE VII

IN WITNESS whereof, the parties hereto have caused this contract to be executed by these duly authorized officers, the day and year first above written.

WESTERN LIGHT & TELEPHONE COMPANY, INC.

By _____
President

ATTEST:

By _____
Secretary

THE CITY OF ALMENA, KANSAS

By _____
Mayor

ATTEST:

By _____
City Clerk

(Seal)

Section 2. Upon the passage and approval of this ordinance and its publication once in the Almena Plaindealer which publication is hereby directed, two counterparts of the "Water Pumping Contract" embodied herein shall be prepared and signed in the name of the City by the Mayor and attested by the City Clerk, with the seal of the City affixed and when signed on behalf of Western Light & Telephone Company, Inc., by its President or Vice President, attested by its Secretary or Assistant Secretary, with the seal of the Company affixed, said agreement embodied herein shall become effective and constitute a valid and binding contract between the parties hereto, and the signing of such contract and delivery to the City Clerk of one such signed counterpart by Western Light & Telephone Company, Inc., shall be deemed an acceptance by it of this Ordinance. The other counterpart shall be delivered to the Company.

Passed and approved this 7th day of March, 1961.

L. J. SCHUKMAN
Mayor

ATTEST:
M. A. BURNETT
City Clerk

(Seal)

ORDINANCE NO. 298

An Ordinance incorporating by reference, under the provision of Section I2-3009 through I2-30I2 of the I959 Supp., G. S. of Kansas, I949, the National Building Code, Abbreviated Edition of I955.

Be it Ordained by the Governing Body of the City of Almena, Kansas:

Section I. There is hereby adopted and incorporated by reference by the City of Almena, under the provisions of Section I2-3009 through I2-30I2 of the I959 Supplement to the General Statutes of Kansas, I949, the National Building Code, Abbreviated Edition of I955, of which edition not less than three (3) copies have been and now are filed in the Office of the Clerk of the City of Almena and the same is hereby adopted and incorporated as fully as if set out at length herein.

Section 2. This Ordinance shall be in effect and be inforce from and after its publication in the official city newspaper.

PASSED AND approved this 28th day of December, I962.

First publication in the Almena Plaindealer Jan. 3rd., I963.

M. A. Burnett, City Clerk. M. R. Cummings, Mayor.

See page 2 for fire hazard in the small National Building Code book
Page 7 in the large National Building Code book

ORDINANCE NO. 299

(First Published in The Almena Plaindealer, March 7, 1963)

ORDINANCE NO. 299

Be it ordained by the Governing Body of the City of Almena, Kansas, providing for a City election:

SECTION NO. 1

The regular City election of the City of Almena, Kansas, shall be held on Tuesday, April 2nd, 1963, between the hours of 8:00 A.M. and 6:00 P.M. in the City Hall, for the purpose of electing a Mayor, five Councilmen anad a Police Judge.

SECTION NO. 2

That Rollin Hawks, Walter Lough, and Don Wilson are hereby designated and approved as judges of said election, and that Mrs. Letha Getty and Mrs. Delbert Marsh are hereby designated and approved as clerks of said election.

SECTION NO. 3

That this Ordinance shall be and take effect from and after its publication in The Almena Plaindealer, the official newspaper.

This Ordinance passed and approved by the City Governing Body of the City of Almena, March 4th, 1963.

M. R. CUMMINGS, Mayor.

M. A. BURNETT, City Clerk.

ORDINANCE NO. ~~XXXX~~ 300

(Published in The Almena Plaindealer, October 10, 1968)

ORDINANCE NO. 300

"AN ORDINANCE PROVIDING FOR THE GRADING, CURBING, GUTTERING, AND OTHERWISE DRAINING AND IMPROVING CERTAIN STREETS IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS; ORDERING THE WORK TO BE DONE AND PROVIDING FOR THE PAYMENT OF THE COST THEREOF."

WHEREAS, a proper resolution was adopted by the Governing Body providing for improvement of certain streets in the City of Almena, all as provided for by Section 12-601, 12-602, et seq., General Statutes of Kansas, 1949, and any amendments thereto; and

WHEREAS, certain streets were left to improve after protests were counted; and

WHEREAS, proper work ordinance has not been adopted and published as required for said street improvement work; and

WHEREAS, it is now necessary to provide for temporary financing of said improvements.

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

Section 1. That the following streets be improved as follows:

Initiated by Resolution

West Brooks Street from Main Street to Van Horn Street;

West Benton Street from Main Street to Washington Street;

Washington Street from West Beaver Street to West Brooks Street;

Washington Street from West Benton Street to West Ryant Street;

Wagner Street from West Beaver Street to West Brooks Street;

West Beaver Street from Wagner Street to Washington Street;

Ives Street from West Ryant Street to West Barclay Street;

Washington Street from West Ryant Street to West Barclay Street;

that all of the above streets be improved as provided by law, Sections 12-601, 12-602, et seq., General Statutes of Kansas, 1949, and any amendments thereto.

Section 2. That all work in connection with the improvements provided for in Section 1 of this ordinance shall be done in accordance with plans and specifications of the City's engineers now on file with the City Clerk.

Section 3. That the cost of the improvements herein provided for, except intersections of streets, avenues and alleys and along city owned property, shall be assessed against the lots and parcels of land liable therefor in the manner and for provided by law; and that the cost of the improvements of intersections of streets, avenues and alleys, and abutting any city owned property, shall be assessed against the City at large and paid from taxes levied against all taxable property in the City as provided by law.

Section 4. That the portion of the costs of said improvements, when ascertained, chargeable against specific property shall be assessed against the property liable therefor by ordinance and the City Clerk shall thereupon notify the owners of such real estate insofar as known to him, giving a description of the lots or parcels of land and the amounts of the respective assessments against each, and if paid within thirty days from the date of the publication of such assessment ordinance then such lots and parcels of land against which the assessments are so paid shall be released from further payment on account thereof; and for the assessments not so paid the City Clerk shall certify to the County Clerk one-tenth thereof each year for a period of ten years with interest as determined and specified in such assessment ordinance, until the whole sum against each lot or parcel of land shall have been certified, and such assessments shall be collected in like manner and liable to like penalties as other taxes, thereafter.

Section 5. That for the purpose of providing funds to pay the cost of said improvements assessed against specific property and not paid within the thirty day period and also that portion of the costs chargeable to the City at large, there shall be issued Internal Improvements Bonds of the City of Almena as provided by law, Sections 12-601, 12-602, et seq., General Statutes of Kansas, 1949, and any amendments thereto.

Section 6. That in order to temporarily finance the cost of making said improvements until the sale of the bonds provided for in the preceding section, there shall be issued a Temporary Improvement Note or Notes of the City of Almena, the aggregate amount of which shall not exceed the sum of $30,000.00, the estimated cost of said street improvement project. Said temporary improvement note or notes shall be issued from time to time upon resolution or resolutions adopted by the Governing Body of the City, fixing the date, term, denomination and interest rates and maturity dates (not exceeding four years from the dates of said note or notes and redeemable at any time before maturity) as funds are needed and required for carrying on said improvement project; and the Mayor and City Clerk are hereby authorized and directed to prepare and execute said note or notes to persons having claims against the city in connection with the making of said improvements or sell the same at private sale or not less than par and accrued interest; and the proceeds of said note or notes shall be applied to the payment of actual costs and expenses of said improvements.

Section 7. That this ordinance shall take effect ant be in full force and effect from and after its passage approval and publication once in the Almena Plaindealer the official city paper.

PASSED AND APPROVED BY THE City Council this 7th day of October, 1968.

APPROVED AND SIGNED BY THE MAYOR.

M. R. CUMMINGS
Mayor

ATTEST:
M. A. BURNETT
City Clerk
SEAL

Ordinance Replaces 3-20

See Ordinance No - 302

ORDINANCE NO. 301

LEGAL NOTICES

(Published in the Almena Plaindealer February 6, 1964)

ORDINANCE NO. 301

An Ordinance repealing Ordinance No. 50, providing for licensing and regulation of dogs, and providing a penalty for violation thereof.

BE IT ORDAINED by the Governing Body of the City of Almena, Kansas:

SECTION 1. Ordinance No. 50 is hereby repealed.

SECTION 2. All persons or person owning or keeping a dog over three months old, male or female, shall furnish a collar for same, and pay a tax of $1.00 per year for each male and a tax of $3.00 per year for each female. In addition thereto, there shall be a charge of $5.00 a dog, for each additional dog, male or female, kept or housed at any one residence. A tag bearing the number of each license issued and furnished by the City, shall be provided by the City Marshal.

SECTION 3. Any person who shall allow any dog to habitually remain or be lodged or fed, within his house, store, yard or place, shall be deemed and considered as harboring the same within the meaning of this Ordinance.

SECTION 4. Any person violating, failing or neglecting, or refusing to comply with any provision, regulation or requirement of this Ordinance shall be deemed guilty of a misdemeanor and on conviction shall be fined not less than one dollar nor more than fifty dollars.

This Ordinance shall be in full force and effect on and after its publication once in The Almena Plaindealer.

Passed and approved February 3, 1964.

M. R. CUMMINGS
Mayor

(Seal)

ATTEST:
M. A. BURNETT
City Clerk

LEGAL NOTICES

(Published in The Almena Plaindealer, March 26, 1964)

ORDINANCE NO. 302

AN ORDINANCE PROVIDING FOR THE GRADING, CURBING, GUTTERING AND OTHERWISE DRAINING AND IMPROVING OF CERTAIN STREETS IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, ORDERING THE WORK TO BE DONE AND PROVIDING FOR THE PAYMENT OF THE COST THEREOF, AND REPEALING ORIGINAL ORDINANCE NO. 300 NOW FOUND TO BE INCORRECT.

WHEREAS, a proper resolution was adopted by the Governing Body providing for improvement of certain streets in the City of Almena, all as provided for by Section 12-601, 12-602, et seq., General Statutes of Kansas, 1949, and any amendments thereto; and

WHEREAS, certain streets were left to improve after protests were counted; and

WHEREAS, proper work ordinance has not been adopted and published as required for said street improvement work, the original work ordinance No. 300, dated October 7, 1963, having been found to be incorrect; and

WHEREAS, it is now necessary to provide for temporary financing of said improvements.

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

Section 1. That the following streets be improved as follows:

Initiated by resolution and said streets to be graded, curbed and guttered and otherwise drained and improved:

West Brooks Street from Main Street to Van Horn Street;
West Benton Street from Main Street to Washington Street;
Washington Street from West Beaver Street to West Brooks Street;
Washington Street from West Brooks Street to West Benton Street;
Washington Street from West Benton Street to West Ryant Street;
Wagner Street from West Beaver Street to West Brooks Street;
West Beaver Street from Wagner Street to Washington Street;
Ives Street from West Ryant Street to West Barclay Street;
Washington Street from West Ryant Street to West Barclay Street;

that all of the above streets be improved as provided by law, Sections 12-601, 12-602, et seq., General Statutes of Kansas, 1949, and any amendments thereto.

Section 2. That all work in connection with the improvements provided for in Section 1 of this ordinance shall be done in accordance with plans and specifications of the City's engineers now on file with the City Clerk.

Section 3. That the cost of the improvements herein provided for, except intersection of streets, avenues and alleys and along city owned property, shall be assessed against the lots and parcels of land liable therefor in the manner and for provided by law; and that the cost of the improvements of intersections of streets, avenues and alleys, and abutting any city owned property, shall be assessed against the City at large and paid from taxes levied against all taxable property in the City as provided by law.

Section 4. That the portion of the costs of said improvements when ascertained, chargeable against specific property shall be assessed against the property liable therefor by ordinance and the City Clerk shall thereupon notify the owners of such real estate insofar as known to him, giving a description of the lots or parcels of land and the amounts of the respective assessments against each, and if paid within thirty days from the date of the publication of such assessments ordinance then such lots and parcels of land against which the assessments are so paid shall be released from further payment on account thereof; and for the assessments not so paid the City Clerk shall certify to the County Clerk one-tenth thereof each year for a period of ten years with interest as determined and specified in such assessment ordinance, until the whole sum against each lot or parcel of land shall have been certified, and such assessments shall be collected in like manner and liable to like penalties as other taxes.

Section 5. That for the purpose of providing funds to pay the cost of said improvements assessed against specific property and not paid within the thirty day period and also that portion of the costs chargeable to the City at large, there shall be issued Internal Improvement Bonds of the City of Almena as provided by law, Sections 12-601, 12-602, et seq., General Statutes of Kansas, 1949, and any amendments thereto.

Section 6. That in order to temporarily finance the cost of making said improvements until the sale of the bonds provided for in the preceding section, there shall be issued a Temporary Improvement Note or Notes of the City of Almena, the aggregate amount of which shall not exceed the sum of $62,472.14, the estimated cost of said street improvement project. Said temporary improvement note or notes shall be issued from time to time upon resolution or resolutions adopted by the Governing Body of the City, fixing the date, term, denomination and interest rates and maturity dates (not exceeding four years from the dates of said note or notes and redeemable at any time before maturity) as funds are needed and required for carrying on said improvement project; and the Mayor and City Clerk are hereby authorized and directed to prepare and execute said note or notes to persons having claims against the city in connection with the making of said improvements or sell the same at private sale for not less than par and accrued interest; and the proceeds of said note or notes shall be applied to the payment of actual costs and expenses of said improvements.

Section 7. That this ordinance shall take effect and be in full force and effect from and after its passage, approval and publication once in the Almena Plaindealer, the official city paper.

PASSED AND APPROVED BY the City Council this 23rd day of March, 1964.

APPROVED AND SIGNED BY THE MAYOR.

JACK G. ARCHER
Acting Mayor

ATTEST:
M. A. BURNETT
City Clerk
SEAL

Ordinance # 300 repealed 3/26/64 which was found to be incorrect

LEGAL NOTICES

(Published in The Almena Plaindealer, July 9, 1964)

ORDINANCE NO. 303

AN ORDINANCE PROVIDING FOR THE IMPROVING OF CERTAIN STREETS AND PORTIONS OF STREETS IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, ORDERING THE WORK TO BE DONE AND PROVIDING FOR THE PAYMENT OF THE COST THEREOF.

WHEREAS, proper sufficient petitions were filed with the city clerk as provided by law Section 12-602 et seq. calling for certain street improvements; and

WHEREAS, proper work ordinance has not been adopted and published as required for said street improvement work; and

WHEREAS, it is now necessary to provide for temporary financing of said improvements.

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

Section 1. That the following streets and portions of streets be improved as follows:

Initiated by Petition Section 12-602 and said streets to be graded paved (soil cement) and otherwise improved:

1. West Brooks Street from Van Horn to Main Street;
2. Wagner Street from Brooks Street to Beaver Street;
3. Beaver Street from Wagner Street to Washington Street;
4. Washington Street from Beaver Street to Brooks Street;
5. Washington Street from West Benton to West Ryant Street;
6. Washington Street from West Ryant to West Barcley Street;

The following to be graded, paved (soil cement), curbed and guttered and otherwise improved:

1. West Benton Street from Wagner Street to Washington Street;
2. Washington Street between West Benton Street and West Brooks Street;

The following streets to be graded paved (soil cement) and otherwise improved:

1. West Benton Street from Washington Street to Ives Street;
2. Ives Street from West Ryant to West Barcley Street;

The following to be graded, curbed, guttered, paved (soil cement) and otherwise improved:

1. Ives Street from West Ryant to West Brooks Street;
2. Walnut Street from West Ryant to Brecton Street;

The following street to be graded curbed guttered drained soil cement and otherwise improved:

1. Washington Street from the B&Q R.R. right of way north to Beaver Street;

Section 2. That all work in connection with the improvements provided for in Section 1 of this Ordinance shall be done in accordance with plans and specifications of the City's Engineers now on file with the City Clerk.

Section 3. That the cost of the improvements herein provided for, except intersections of streets, avenues and alleys and along city owned property, shall be assessed against the lots and parcels of land liable therefor in the manner and for provided by law; and that the cost of the improvements of intersections of streets, avenues and alleys, and abutting any city owned property, shall be assessed against the City at large and paid from taxes levied against all taxable property in the City as provided by law.

Section 4. That the portion of the costs of said improvements, when ascertained, chargeable against specific property shall be assessed against the property liable therefor by ordinance and the City Clerk shall thereupon notify the owners of such real estate insofar as known to him, giving a description of the lots or parcels of land and the amounts of the respective assessments against each, and if paid within thirty days from the date of the publication of such assessment ordinance then such lots and parcels of land against which the assessments are so paid shall be released from further payment on account thereof; and for the assessments not so paid the City Clerk shall certify to the County Clerk one-tenth thereof each year for a period of ten years with interest as determined and specified in such assessment ordinance, until the whole sum against each lot or parcel of land shall have been certified, and such assessments shall be collected in the manner and liable to the penalties as other taxes.

Section 5. That for the purpose of providing funds to pay the cost of said improvements assessed against specific property and not paid within the thirty day period and also that portion of the costs chargeable to the City at large, there shall be issued Internal Improvement Bonds of the City of Almena as provided by law, Section 12-602, 12-603, et seq. General Statutes of Kansas, 1949, and any amendments thereto.

Section 6. That in order to temporarily finance the cost of making said improvements until the sale of the bonds provided for in the preceding section, there shall be issued a Temporary Improvement Note or Notes of the City of Almena, the aggregate amount of which shall not exceed the sum of $53,588.65, the estimated cost of said street improvement project. Said temporary improvement notes shall be issued from time to time upon resolution or resolutions adopted by the Governing Body of the City, fixing the date, term, denomination and interest rates and maturity dates (not exceeding years from the dates of said notes and redeemable at any time before maturity) as funds are and required for carrying on said improvement project; and the and City Clerk are hereby authorized and directed to prepare and execute said note or notes to persons having claims against the city in connection with the making of said improvements or sell the same at private sale for not less than par and accrued interest; and the proceeds of said notes shall be applied to the payment of actual costs and expenses of said improvements.

Section 7. That this ordinance shall take effect and be in full force and effect from and after its passage, approval and publication, once in the Almena Plaindealer, the official city paper.

PASSED AND APPROVED BY THE City Council this 6th day of July, 1964.

APPROVED AND SIGNED BY THE MAYOR.

M. R. CUMMINS
Mayor

ATTEST:
M. A. BURNETT
City Clerk
(SEAL)

ORD 304

Resolution

~~Ordinance~~

LEGAL NOTICES

(First Published in The Almena Plaindealer, September 3, 1964) 2t

RESOLUTION

WHEREAS, on Main Street from the north intersection of West Ryant to the south intersection of West Brooks Street has been declared to be a Main Trafficway by Ordinance No. 304, passed on the 1st day of September, 1964, all as provided for by Sections 12-685 to 12-690, both inclusive, of the 1959 Supplement to the General Statutes of Kansas, 1949, and any amendments thereto; and

WHEREAS, it is deemed necessary by the Governing Body of the City of Almena, Norton County, Kansas, to improve portions of Main Street in the City of Almena.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

That portions of Main Street from the north intersection of West Ryant to the south intersection of West Brooks Street be improved as follows:

To be curbed and guttered whereever necessary and otherwise improved:

Main Street from the north intersection of West Ryant to the south intersection of West Brooks Street.

That the estimated cost to the city of this improvement is $4,600.00.

That the City's share of said improvements shall be paid for by the City at large, as provided for by the Sections 12-686 to 12-690 both inclusive, 1959 Supplement to the General Statutes of Kansas, 1949, and any amendments thereto.

BE IT RESOLVED FURTHER BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

That this resolution be published according to law in the official city paper of the City of Almena, Norton County Kansas, and this said improvement shall be made unless a protest is filed with the City Clerk, signed by not less than 10 per cent of the qualified electors who voted at the past preceding regular City election as shown by the poll books within thirty (30) days after the last publication of said resolution.

ADOPTED and passed by the Governing Body of the City of Almena, Norton County, Kansas, this 1st day of September, 1964.

APPROVED AND SIGNED by the Mayor.

M. R. CUMMINGS
Mayor

ATTEST:
M. A. BURNETT
City Clerk
SEAL

Ordinance

~~Resolution~~

(Published in the Almena Plaindealer, September 3, 1964)

ORDINANCE NO. 304

AN ORDINANCE DECLARING A PORTION OF MAIN STREET IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, TO BE A MAIN TRAFFIC WAY UNDER THE AUTHORITY OF SECTION 12-685 TO 12-690, BOTH INCLUSIVE, OF THE 1961 SUPPLEMENT TO THE GENERAL STATUTES OF KANSAS, 1949.

WHEREAS, the primary function of the following described street, to-wit:

MAIN STREET FROM THE INTERSECTION OF WEST RYANT TO THE SOUTH INTERSECTION OF WEST BROOKS STREET, IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS shall be the movement of through traffic between areas of concentrated activity within the city and traffic facilities outside the city, and performing the functions of major trafficway.

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

Section 1. That a portion of Main Street from the north intersection of West Ryant to the South Intersection of West Brooks Street, in the City of Almena, Kansas be, and it is hereby designated Main Trafficway as provided for by Sections 12-685 to 12-690 both inclusive of the 1959 Supplement to the General Statutes of Kansas for 1949.

Section 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. That this ordinance shall be in full force and effect on and after its publication once in the Almena Plaindealer, the official newspaper of the city of Almena, Kansas.

PASSED AND APPROVED by the City Council this 1st day of September, 1964.

APPROVED and signed by the Mayor.

M. R. CUMMINGS
Mayor

ATTEST:
M. A. BURNETT
City Clerk
SEAL

Second Publication Sept 10, 1964

Ordinance No. 305

Ordinance

(Published in the Almena Plaindealer, September 10, 1964)

ORDINANCE NO. 305

AN ORDINANCE PROVIDING FOR THE IMPROVING OF CERTAIN STREETS IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, ORDERING THE WORK TO BE DONE AND PROVIDING FOR THE PAYMENT OF THE COST THEREOF.

WHEREAS, a proper resolution was adopted by the Governing Body providing for improvement of certain streets in the City of Almena, all as provided for by Section 12-601, 12-603, et seq., General Statutes of Kansas, 1949, and any amendments thereto; and

WHEREAS, proper work ordinance has not been adopted and published as required for said street improvement work; and

WHEREAS, it is now necessary to provide for temporary financing of said improvements.

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

Section 1. That the following streets be improved as follows:

Initiated by Resolution (Section 12-603)

1. West Benton Street from Main Street to Ives Street;

all to be graded paved (soil, cement) and otherwise improved;

that all of the above streets be improved as provided by law, Section 12-601, 12-603, et seq., General Statutes of Kansas, 1949, and any amendments thereto.

Section 2. That all work in connection with the improvements provided for in Section 1 of this ordinance shall be done in accordance with plans and specifications of the City's engineers now on file with the City Clerk.

Section 3. That the cost of the improvements herein provided for, except intersections of streets, avenues and alleys and along city owned property, shall be assessed against the lots and parcels of land liable therefor in the manner and for provided by law; and that the cost of the improvements of intersections of streets, avenues and alleys, and abutting any city owned property, shall be assesaed against the City at large and paid from taxes levied against all taxable property in the City as provided by law.

Section 4. That the portion of the costs of said improvements, when ascertained, chargeable against specific property shall be assessed against the property liable therefor by ordinance and the City Clerk shall thereupon notify the owners of such real estate insofar as known to him, giving a description of the lots or parcels of land and the amounts of the respective assessments against each, and if paid within thirty days from the date of the publication of such assessment ordinance then such lots and parcels of land against which the assessments are so paid shall be released from further payment on account thereof; and for the assessments not so paid the City Clerk shall certify to the County Clerk one-tenth thereof each year for a period of ten years with interest as determined and specified in such assessment ordinance, until the whole sum against each lot or parcel of land shall have been certified, and such assessments shall be collected in like manner and liable to like penalties as other taxes.

Section 5. That for the purpose of providing funds to pay the cost of said improvements assessed against specific property and not paid within the thirty day period and also that portion of the costs chargeable to the City at large, there shall be issued Internal Improvement Bonds of the City of Almena as provided by law, Sections 12-601, 12-603, et seq, General Statutes of Kansas, 1949, and any amendments thereto.

Section 6. That in order to temporarily finance the cost of making said improvements until the sale of the bonds provided for in the preceding section, there shall be issued a Temporary Improvement Note or Notes of the City of Almena, the aggregate amount of which shall not exceed the sum of $2,000, the estimated cost of said street improvement project. Said temporary improvement note or notes shall be issued from time to time upon resolution or resolutions adopted by the Governing Body of the City, fixing the date, term, denomination and interest rates and maturity dates (not exceeding four years from the dates of said note or notes and redeemable at any time before maturity) as funds are needed and required for carrying on said improvement project; and the Mayor and City Clerk are hereby authorized and directed to prepare and execute said note or notes to persons having claims against the city in connection with the making of said improvements or sell the same at private sale or not less than par and accrued interest; and the proceeds of said note or notes shall be applied to the payment of actual costs and expenses of said improvements.

Section 7. That this ordinance shall take effect and be in full force and effect from and after its passage, approval and publication once in the Almena Plaindealer the official city paper.

PASSED AND APPROVED BY THE CITY COUNCIL THIS 8 DAY OF SEPT., 1964.

APPROVED AND SIGNED BY THE MAYOR.

JACK G. ARCHER
Acting Mayor

ATTEST:
M. A. BURNETT
City Clerk
SEAL

Resolution

(Published in The Almena Plaindealer, September 10, 1964)

RESOLUTION

DEEMING AND DECLARING IT NECESSARY TO IMPROVE CERTAIN STREETS AND PORTIONS OF STREETS WITHIN THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

That the following streets and portions of streets be improved as follows, to-wit:

1. West Benton Street from Main Street to Ives Street;

all to be graded, paved (soil, cement) and otherwise improved;

all intervening streets as contemplated by Sec. 12-603.

That all of the above street improvements be done under the authority of Section 12-603, et seq. G. S. Kansas, 1949 and any amendments thereto; specifically Section 12-603, regardless of protest as provided by law.

That said grading, paving, and otherwise improving be done and constructed at the cost of the respective owners of land, lots and tracts liable to pay special assessments for the cost thereof as provided by law.

That this resolution be published in the official city paper, for one time only as provided by law, Sec. 12-603.

Passed and approved this 8 day Sept., 1964, by the City Council.

PASSED AND APPROVED BY THE MAYOR.

JACK G. ARCHER
Acting Mayor

ATTEST:
M. A. BURNETT
City Clerk
SEAL

Ordinance No. 306

(Published in The Almena Plaindealer, October 29, 1964)

ORDINANCE NO. 306

AN ORDINANCE PROVIDING FOR THE IMPROVING OF A PORTION OF MAIN STREET IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, A MAIN TRAFFICWAY IN SAID CITY, ORDERING THE WORK TO BE DONE AND PROVIDING FOR THE COST THEREOF.

WHEREAS, the Governing Body of the City of Almena did by Ordinance No. 304 designate a portion of Main Street from the north intersection of West Ryant to the south intersection of West Brooks Street to be a main trafficway as provided for by Sections 12-685 to 12-690 both inclusive of the 1961 Supplement to the General Statutes of Kansas for 1949; and

WHEREAS, it has been determined that the city's portion of said improvements will be in the amount of $4,600.00; and

WHEREAS, "Resolution" has been adopted, passed, and published all as provided for by Sections 12-685 to 12-690, both inclusive of the 1961 Supplement to the General Statutes of Kansas, 1949, and any amendments thereto relative to said street improvements as described in this ordinance and above mentioned Ordinance No. 304 and the period of protesting such resolution, and the main trafficway street improvement described therein, having passed and expired without sufficient protests having been received; and

WHEREAS, it is desirable to officially order such work to be done and to provide for the temporary payment of the cost thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

Section 1. That a portion of Main Street from the north intersection of West Ryant to the south intersection of West Brooks Street having been officially and legally designated as a main trafficway shall be improved as follows:

Said Main Street to be curbed, guttered wherever necessary and otherwise improved.

That this work shall be done under the direction of the City Engineer and the city's share of said improvement is now estimated to be $4,600.00 which includes interest on notes, publication costs, legal fees, and other miscellaneous costs.

Section 2. That for the purpose of providing that portion of the cost of said improvements as are chargeable to the City of Almena, Kansas, the governing body of said city shall issue special improvement bonds of the City of Almena, Kansas, in form and manner as provided by law.

Section 3. That to provide funds for temporarily financing the cost of making the street improvements provided for, and authorized in this Ordinance until the sale of bonds provided for, the Governing Body of the City of Almena, Kansas may issue temporary improvement notes of said city, as provided by law, the aggregate amount of which shall not exceed the sum of $4,600.00 which is the Engineer's estimated cost of said street improvement project.

Section 4. That in order to temporarily finance the cost of making said improvements until the sale of the bonds provided for in the preceding section there shall be issued temporary improvement notes of the City of Almena, Kansas, the aggregate amount of which shall not exceed the sum of $4,600.00 the estimated cost of said street improvement project chargeable to the City of Almena, Kansas. Said temporary improvement notes shall be issued from time to time upon resolutions adopted by the Governing Body of the City fixing the dates, terms, denominations, interest rates and maturity dates (not exceeding four years from the dates of said notes and redeemable at any time before maturity) as funds are needed and required for carrying on said improvement project; and the Mayor and City Clerk are hereby authorized and directed to prepare and execute each of said notes in accordance with the terms of this ordinance and the said resolutions providing for the same and the governing body of the city may deliver said notes to persons having claims against the city in connection with the making of said improvement or sell the same at private sale at not less than par and accrued interest; and the proceeds of said notes shall be applied to the payment of actual costs and expenses of said street improvements.

Section 5. That this ordinance shall take effect and be in full force from and after its publication in the Almena Plaindealer, the official City paper.

PASSED AND APPROVED by the Mayor and City Councilmen of the City of Almena, Kansas this 26 day of October, 1964.

M. R. CUMMINGS
Mayor

ATTEST:
M. A. BURNETT
City Clerk
SEAL

Ordinance No. 307

(Published in The Almena Plaindealer, January 7th, 1965)

ORDINANCE No. 307

AN ORDINANCE APPORTIONING THE COST AND EXPENSES OF CONSTRUCTION OF STREET IMPROVEMENTS IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, AND LEVYING AN ASSESSMENT UPON AND AGAINST THE SEVERAL LOTS, PIECES AND PARCELS OF GROUND FOR PAYMENT THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

Section 1. That for the purpose of paying the cost of and expenses of construction of street improvements as authorized by and described in Ordinances Nos. 302; 303; and 305, 306 and to provide payment of the bonds necessary and authorized to be issued by said City, covering that portion of the improvements to be paid for by installments, there is hereby apportioned and assessed against the several lots, pieces and parcels of ground liable for the cost and expenses of the construction of said street improvements, the sum set opposite each lot, piece and parcel of ground respectively as equalized by the Mayor and Council of the City of Almena, Kansas.

That the said lots, pieces and parcels of ground assessed and described are as follows:

LEONARD'S ADDITION

Description	Amount
Lot 1, Block G	$728.20
Lot 2, Block G	$550.72
Lot 3, Block G	$461.48
Lot 4, Block G	$283.00
Lot 5, Block G	$283.00
Lot 6, Block G	$283.00
Lot 1, Block H	$800.00
Lot 2, Block H	$650.72
Lot 3, Block H	$544.08
Lot 10, Block H	$532.28
Lot 11, Block H	$621.52
Lot 12, Block H	$729.20
Lot 4, Block H	$461.48
Lot 9, Block H	$461.48
Lot 5, Block H	$550.72
Lot 6, Block H	$800.00
Lot 7, Block H	$729.20
Lot 8, Block H	$620.52
Lot 1, Block J	$729.20
N ½ Lot 2, Block J	$396.20
N ½ Lot 5, Block J	$ 53.54
Lot 6, Block J	$267.72
Lot 7, Block J	$517.00

CENTRAL ADDITION

Lot 11, Block 2	$178.48
E ½ Lot 12, Block 2	$133.86
E ½ Lot 13, Block 2	$223.10
W ½ Lot 12, Block 2	$133.86
W ½ Lot 13, Block 2	$223.10
Lot 1, Block 3	$729.20
Lot 2, Block 3	$550.72
N ½ Lot 3, Block 3	$230.74
S ½ Lot 3, Block 3	$230.74
Lot 4, Block 3	$532.28
Lot 9, Block 3	$178.48
Lot 5, Block 3	$621.52
Lot 6, Block 3	$800.00
Lot 7, Block 3	$446.20
Lot 8, Block 3	$267.72
Lot 1, Block 1	$283.00
Lot 2, Block 1	$283.00
Lot 3, Block 1	$283.00
N ½ Lot 4, Block 1	$230.74
S ½ Lot 4, Block 1	$230.74
Lot 5, Block 1	$764.72
Lot 6, Block 1	$941.20
Lot 7, Block 1	$516.00
Lot 8, Block 1	$267.22
S40', Lot 9, Block 1	$142.78
N10', Lot 9, Block 1	$ 35.70

ORIGINAL TOWN

Lot 13, Block 3	$283.00
Lot 14, Block 3	$283.00
Lot 15, Block 3	$283.00
Lot 16, Block 3	$353.80
Lot 17, Block 3	$283.00
Lot 18, Block 3	$283.00
Lot 1, Block 4	$283.00
Lot 2, Block 4	$283.00
Lot 3, Block 4	$283.00
Lot 4, Block 4	$283.00
Lot 5, Block 4	$519.00
Lot 6, Block 4	$283.00
Lot 7, Block 4	$634.90
Lot 8, Block 4	$634.90
Lot 9, Block 4	$283.00
Lot 10, Block 4	$283.00
Lot 11, Block 4	$283.00
Lot 12, Block 4	$283.00
Lot 1, Block 5	$363.00
Lot 2, Block 5	$353.00
Lot 3, Block 5	$283.00
Lot 4, Block 5	$532.28
Lot 5, Block 5	$550.72
Lot 6, Block 5	$800.00
E ½ Lot 7, Block 5	$464.90
E ½ Lot 8, Block 5	$275.36
W ½ Lot 7, Block 5	$435.40
W ½ Lot 8, Block 5	$346.16
Lot 9, Block 5	$461.48
S2' Lot 10, Block 5	$ 11.32
N48' Lot 10, Block 5	$342.48
Lot 11, Block 5	$353.80
Lot 12, Block 5	$283.00
Lot 7, Block 6	$ 94.92
N2' Lot 8, Block 6	$ 7.59
S23' Lot 8, Block 6	$ 87.63
Lot 9, Block 6	$142.38
Lot 10, Block 6	$142.38
Lot 11, Block 6	$237.30
Lot 12, Block 6	$237.30
Lot 13, Block 6 excepting Tract described as follows: Commencing at the SE corner of Lot 13, thence W25'; thence N33'; thence E 25'; thence S33' to place of beginning	$714.10
SE part of Lot 13, (25'x33') Block 6	$ 85.90
Lot 14, Block 6	$651.52
Lot 15, Block 6	$532.28
Lot 16, Block 6	$353.80
Part of Lot 17, Block 6	$266.84
W100' Lot 18, Block 6	$272.95
10'x40' in NE corner Lot 17, Block 6	$ 16.16
E 40' Lot 18, Block 6	$ 80.85
Lot 1, Block 11	$800.00
N 10' Lot 2, Block 11	$110.14
S 40' Lot 2. Block 11	$440.58
Lot 3, Block 11	$461.48
N18' Lot 4, Block 11	$166.13
S32' Lot 4, Block 11	$366.15
N32' Lot 5, Block 11	$352.46
S18' Lot 5, Block 11	$198.26
Lot 6, Block 11	$829.50
Lot 7, Block 11	$841.30
S25' Lot 8, Block 11	$275.36
N 25' Lot 8, Block 11	$275.36
S25' Lot 9, Block 11	$301.54
N25' Lot 9. Block 11	$230.74
Lot 10, Block 11	$532.28
W90' Lot 11, Block 11	$424.80
W 90' Lot 12, Block 11	$468.79
E50' Lot 11, Block 11	$196.72
E 50' Lot 12, Block 11	$260.47
Lot 1, Block 12	$446.20
Lot 2, Block 12	$207.72
Lot 3, Block 12	$ 32.12
Lot 6, Block 12	$283.00
Lot 7, Block 12	$283.00
Lot 8, Block 12	$283.00
Lot 9, Block 12	$283.00
Lot 10, Block 12	$461.48
Lot 11, Block 12	$550.72
Lot 12, Block 12	$800.00
Lot 1, Block 13	$339.00
Lot 2, Block 13	$446.20
Lot 3, Block 13	$ 26.77
Lot 1, Block 1	$283.00
Lot 2, Block 1	$283.00
Lot 3, Block 1	$283.00
Lot 4, Block 1	$353.80
Lot 5, Block 1	$283.00
Lot 6, Block 1	$283.00
Lot 1, Block 2	$283.00
Lot 2, Block 2	$283.00
N ½ Lot 3, Block 2	$141.50
S ½ Lot 3, Block 2	$141.50
Lot 4, Block 2	$283.00
Lot 5, Block 2	$283.00
E100' Lot 6, Block 2	$202.11
W40' Lot 6, Block 2	$ 80.89

HARRISON'S ADDITION

Lot 1, Block 6	$283.00
Lot 2, Block 6	$283.00
Lot 3, Block 6	$283.00
N12' Lot 4, Block 6	$ 67.92
S38' Lot 4, Block 6	$285.88
N16' Lot 5, Block 6	$ 90.56
S34' Lot 5. Block 6	$192.44
Lot 6, Block 6	$283.00
Lot 1, Block 7	$283.00
Lot 2, Block 7	$401.00
Lot 3, Block 7	$283.00
Lot 4, Block 7	$283.00
Lot 5, Block 7	$353.80
Lot 6, Block 7	$283.00
An irregular tract on West side of Washington Street 140' East and West, and 300' North and South, between West Barclay and West Ryant	$4,633.85

ORIGINAL TOWN

W100' Lot 1, Block 10	$169.47
W100' Lot 2, Block 10	$169.47
E50' Lot 2, Block 10	$ 67.89
E50' Lot 1, Block 10	$ 67.89
Lot 3, Block 10	$142.38
Lot 4, Block 10	$142.38
Lot 5, Block 10,	$ 94.92
Lot 6, Block 10	$ 94.92
Lot 7, Block 10	$ 94.92
Lot 8, Block 10	$ 94.92
Lot 9, Block 10	$142.38
Lot 10, Block 10	$142.38
Lot 11, Block 10	$237.30
Lot 12, Block 10	$315.77
W ½ Lot 13, Block 10	$364.60
E ½ Lot 13, Block 10	$435.40
Lot 14, Block 10	$550.72
Lot 15, Block 10	$461.48
Lot 16, Block 10	$461.48
Lot 17, Block 10	$621.52
Lot 18, Block 10	$729.20

CENTRAL ADDITION

Lot 10, Block 3	$178.48
Lot 11, Block 3	$267.72
Lot 12, Block 3	$517.00

Section 2. That the owners of any such lot, piece or parcel of ground above described, may at any time within thirty (30) days after the publication and the taking effect of this Ordinance, pay the sum hereby apportioned and assessed against said lot, piece or parcel of ground, and shall not thereafter be further liable for the cost and expenses of constructing said improvements under this assessment.

Section 3. That unless said assessment is paid as provided for in Section 2 of this Ordinance, said sum so apportioned and assessed against said lots, pieces and parcels of ground respectively, shall be collected in ten (10) equal installments, the first of which installments, together with the interest on the whole amount, shall be certified by the City Clerk of said City to the County Clerk of Norton County, Kansas, and entered on the tax rolls and collected as other taxes and one installment shall, with one year's interest on amount remaining due, be so certified and entered on the tax rolls for each year thereafter for nine consecutive years.

That the several amounts so apportioned and assessed and placed on the tax rolls shall bear interest not to exceed five per cent (5%) per annum, which assessments with interest added to the full amount still due shall be certified at the same time by certifying other taxes to the County Clerk of Norton County, Kansas. The City Clerk of said City is hereby directed to make extensions each year of the amounts so assessed for the year with the interest on the unpaid installments for one year and certify the same to the County Clerk of Norton County, Kansas, in the same manner and at the same time prescribed by law for certifying other taxes to be collected as other taxes are collected.

Section 4. That Ordinance shall take effect and be in force from and after its passage, approval and publication in the Almena Plaindealer, the official city paper.

PASSED AND APPROVED by the City Council this 4th day of January, 1965.

APPROVED AND SIGNED BY

M. R. CUMMINGS
The Mayor

ATTEST:
M. A. BURNETT
City Clerk
(SEAL)

ORD— 308

(Published in the Almena Plaindealer, March 4, 1965)

ORDINANCE NO. 308

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF INTERNAL IMPROVEMENT BONDS OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS, IN THE SUM OF $96,043.94 FOR THE PURPOSE OF PAYING THE COST OF STREET IMPROVEMENTS IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, AND FIXING THE DETAILS OF SAID BONDS.

WHEREAS, the Governing Body of the City of Almena, Norton County, Kansas, has heretofore by resolutions, petitions and ordinances adopted as provided by law, authorized the construction of certain streets and main traffic way in and for the City of Almena, Norton County, Kansas, which resolutions and ordinances were duly adopted and published as required by law Sections 12-601, 12-602, 12-603, et seq., and Sections 12-685 to 12-690, 1961 Supplement to the General Statutes of Kansas, 1949, and any amendments thereto; and

WHEREAS, the breakdown of said work was allocated as follows, to-wit:

Re: (Sec. 12-602, et seq.)

Amounts of costs of street improvements

Chargeable to property owners	$ 67,652.71
Amount Chargeable to city at large	41,909.75
Total Cost of Improvements	109,562.46
Amount paid in by property owners	18,343.50
Amount of Bonds to be issued	91,218.96

Re: (Sec. 12-685 to 12-690, 1961 Supplement to General Statutes of Kansas)

Main traffic way

Street improvements

Total cost	$4,824.98

THEREFORE, the total amount of bonds to be issued at this time is $91,218.96 plus $4,824.98 or $96,043.94

WHEREAS, the City of Almena is authorized by the provisions of Sections 12-601; 12-602; 12-603 et seq. General Statutes of Kansas, 1949, and Sections 12-681 to 12-690, 1961 Supplement to the General Statutes of Kansas, 1949, and any amendments thereto to issue bonds of said city for the payment of the costs of said street and main traffic way as finally described and covered by assessment Ordinance No. 307 which covered street work provided for by Ordinances nos. 300; 302; 303; 305; and Ordinances Nos. 304 and 306 which covered main traffic way improvements and certain resolutions covering said traffic way property adopted and published as provided by law.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

Section 1. That the Mayor and City Clerk of the City of Almena, Kansas, be and they are hereby authorized and directed to issue Internal Improvement (Street and Main traffic way) Bonds of the City of Almena, Kansas in the principal amount of $96,043.94 for the purpose of paying the unpaid portion of the costs of the construction of streets and main traffic way in the city of Almena, Kansas.

Section 2. That said bonds shall be dated February 1, 1965, and be known as Series A 1965 and shall be numbered, be in denomination, bear interest and mature according to the following schedule:

NUMBER	AMOUNT	INT. RATE	MATURITY
1	$1,043.94	3¾ %	October 1, 1966
2-8	$7,000.00	3¾ %	October 1, 1966
9-17	$9,000.00	3¾ %	October 1, 1967
18-26	$9,000.00	3¾ %	October 1, 1968
27-36	$10,000.00	4%	October 1, 1969
37-46	$10,000.00	4%	October 1, 1970
47-56	$10,000.00	4%	October 1, 1971
57-66	$10,000.00	4¼ %	October 1, 1972
67-76	$10,000.00	4¼ %	October 1, 1973
77-86	$10,000.00	4¼ %	October 1, 1974
87-96	$10,000.00	4¼ %	October 1, 1975

first interest is due October 1, 1966, and semi-annually thereafter on April 1 and October 1 of each year.

Section 3. Said bonds shall be signed by the Mayor and attested by the City Clerk and the coupons attached thereto shall be signed with the lithographed signatures of the Mayor and City Clerk and said bonds shall have the corporate seal of said City affixed thereto, and each of said bonds shall be registered by the City Clerk of the City of Almena, Kansas, and by the State Auditor of the State of Kansas, as required by law; said bonds shall be offered to the State School Fund Commission as an investment of School Fund, and if not purchased by said Commission, they shall be sold as provided by law and the proceeds used for the purpose above stated.

Section 4. These bonds are payable partly from special assessments which have been assessed against the property benefited, however, the full faith, credit and resources of the City of Almena, Kansas, are pledged for the prompt payment of the principal and interest of said bonds when due, and the Mayor and City Council shall make provisions for the payment thereof by levying an annual tax on all the taxable property in the City of Almena, Kansas, sufficient to pay the installments of principal and interest on all of said bonds outstanding, as the same severally become due.

Section 5. This ordinance shall be in force and take effect from and after its passage, approval and publication in the official city paper.

PASSED AND APPROVED by the City Council this 26 day of Feb., 1965.

APPROVED AND SIGNED BY THE MAYOR.

M. R. CUMMINGS
Mayor

ATTEST:
M. A. BURNETT
City Clerk
SEAL

ORD 309

(First Published in The Almena Plaindealer, March 11, 1965) 3t

ORDINANCE No. 309

Be it ordained by the Governing Body of the City of Almena, Kansas, providing for a City Election.

Section No. 1: The regular City election of the City of Almena, Kansas, shall be held on Tuesday, April 6th, 1965, between the hours of 8:00 A.M. and 6:00 P.M. in the City Hall, for the purpose of electing a Mayor, five Councilmen and a Police Judge.

Section No. 2: That B. E. Marsh, John H. Eckhart and Walter Lough are hereby designated and approved as Judges, and that Mrs. Letha Getty and Mrs. Carleen Welch are hereby designated and approved as Clerks of said election.

Section No. 3: This Ordinance shall be and take effect from and after its publication in the Almena Plaindealer, the official newspaper.

The above Ordinance approved and passed by the City Governing Body of the City of Almena, Kansas, March 1st, 1965.

M. R. CUMMINGS, Mayor

M. A. BURNETT, City Clerk.

(SEAL)

Ord 310

AFFIDAVIT OF PUBLICATION

State of Kansas, Norton County, ss:

Robert T. Moody, being first duly sworn, deposes and says: That he is publisher of The Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 3 consecutive weeks, the first publication thereof being made as aforesaid on the 9 day of March, 1967, with subsequent publications being made on the following dates:

March 16, 1967
March 23, 1967
_____, 19____
_____, 19____
_____, 19____
_____, 19____

Robert T. Moody

Subscribed and sworn to before me this 24 day of March, 1967

M. E. Lamond
Notary Public

My commission expires
12-11-69

Printer's fee $_____
Additional copies $_____

(First Published in The Almena Plaindealer, March 9, 1967) 3t

ORDINANCE NO. 310

Be it ordained by the Governing Body of the City of Almena, Kansas, providing for a City election.

Section No. 1: The regular City election of the City of Almena, Kansas, shall be held on Tuesday, April 4th, 1967, between the hours of 8:00 A.M. and 6:00 P.M. in the City Hall, for the purpose of electing a Mayor, five Councilmen and a Police Judge.

Section No. 2: That J. H. Eckhart, Walter Lough and Rev. A. E. Beardslee, are hereby designated and approved as judges of said election, and that Gladys Wendel and Bernice Hastings are hereby designated and approved as clerks of said election.

Section No. 3: This Ordinance shall be and take effect from and after the third publication in the Almena Plaindealer, the official newspaper. First publication, March 9th, 1967.

This Ordinance passed and approved by the City Governing Body of the City of Almena, Kansas, March 6th, 1967.

Loren E. Van Patten, Mayor
M. A. Burnett, City Clerk
(SEAL)

ORD 311

(Published in The Almena Plaindealer, May 4, 1967)

ORDINANCE NO. 311

AN ORDINANCE REGULATING THE STORAGE OF JUNK, SALVAGE AND OLD VEHICLES; PROVIDING FOR THE PREVENTION OF NUISANCES AND HEALTH HAZARDS AND PROVIDING PENALTIES FOR VIOLATION OF SAID ORDINANCE.

Be It Ordained By The Governing Body of The City of Almena, Norton County, Kansas:

Section 1. That before any junk yard, salvage yard, or vehicle and auto wrecking establishment, shall be permitted to operate within the City of Almena, Kansas, a written application for permission to become established and to operate shall be made to the Governing Body of the City of Almena, Kansas, and filed with the City Clerk. Said application shall set out the exact nature of the establishment; proposed location with legal description of the property location; owners and operators; and that said establishment, if permitted to become established and operate, will abide by all ordinances of the City of Almena, Kansas.

Section 2. That each such establishment named in Section 1, shall build and maintain a picket board fence, at least six feet in height with no open space of greater width than the width of the boards on each side of same and no open space to ever exceed six inches in width, on all sides adjacent to public streets or roads and in no case shall the fence be closer to the street than the established building line and no junk salvage or vehicles shall be stored between said fence and the adjacent street. Said fence shall be maintained in good repair by the establishment. This section shall apply to such establishments now existing within the City.

Section 3. That each such presently existing establishment and each establishment hereafter established, shall remove from its premises and or grounds, all waste materials each sixty days and the same shall be removed to the City Dump Grounds out of the city limits.

Section 4. It shall be unlawful for any person to store, deposit or cause to be deposited on the lots and premises in the City of Almena any junk, car bodies, compost, boxes, tin cans in such a manner as to create a health hazard and endanger the health of the public in said City and to do so shall be deemed the creation of a nuisance in the City of Almena, and upon conviction, shall be punishable as hereinafter provided.

Section 5. That any violation of this ordinance shall be deemed a misdemeanor and upon conviction of violations, the punishment shall be a fine of not less than $5.00 nor more than $100.00 for each such offense.

Section 6. That this ordinance shall take effect and be in full force from and after its publication in the official city paper.

Passed and approved this 1st day of May, 1967.

LOREN E. VAN PATTEN
Mayor

Attest:
M. A. BURNETT
City Clerk

ORD 312

AFFIDAVIT OF PUBLICATION

State of Kansas, Norton County, ss:

Robert T. Moody, being first duly sworn, deposes and says: That he is publisher of The Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 7 day of Dec., 1967, with subsequent publications being made on the following dates:

_____, 19____

_____, 19____

_____, 19____

_____, 19____

_____, 19____

_____, 19____

Robert T. Moody

Subscribed and sworn to before me this 13th day of December, 1967

_____
Notary Public

My commission expires 11-28-68

Printer's fee $_____

Additional copies $_____



Ordinance No 313

AFFIDAVIT OF PUBLICATION

State of Kansas, Norton County, ss:

Robert T. Moody, being first duly sworn, deposes and says: That he is publisher of The Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 4 day of Jan, 1968, with subsequent publications being made on the following dates:

....., 19.....
....., 19.....
....., 19.....
....., 19.....
....., 19.....
....., 19.....

Robert T Moody

Subscribed and sworn to before me this 4 day of Jan, 1968

Notary Public

My commission expires 12-18-69

Printer's fee $.....

Additional copies $.....

(Published in th Almena Plaindealer, January 4, 1968)

FRANCHISE ORDINANCE NO. 313

AN ORDINANCE GRANTING TO WESTERN POWER & GAS COMPANY, INC., A KANSAS CORPORATION, ITS SUCCESSORS AND-OR ASSIGNS, THE RIGHT TO USE THE STREETS, AVENUES, ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF ALMENA, KANSAS, FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING AND OPERATING AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM TO SERVE SAID CITY AND ITS INHABITANTS WITH ELECTRICAL ENERGY FOR ALL PURPOSES:

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

SECTION 1. That the right and privilege is hereby grantad to WESTERN POWER & GAS COMPANY, INC., its successors and-or assigns to operate a system for the transmission, distribution and sale of electrical energy in the City of Almena, Kansas, for a period of twenty (20) years from and after final passage of this Ordinance. Further, to use the streets, avenues, alleys and other public places in said City, and all additions thereto, to construct, maintain and operate said system of transmission and distribution facilities and all appurtenances thereto for the sale of electrical energy to said City and its inhabitants for all purposes.

SECTION 2. The grantee, herein, its successors and-or assigns, shall furnish, to said City and its inhabitants, sufficient and efficient twenty-four hour a day service of electrical energy for all purposes, unless prevented by acts or causes not reasonably within its control. Any such service rendered shall be subject to and in compliance with all rules, regulations and schedules of rates and charges for such service as shall be determined from time to time by the State Corporation Commission, or other regulatory body having jurisdiction thereof.

SECTION 3. This franchise is granted pursuant to the provisions of Section 12-824 of the Kansas Statutes Annotated.

SECTION 4. In consideration of and as compensation for the granting of this Franchise, and in lieu of all licenses, fees or taxes for the uses herein granted, WESTERN POWER & GAS COMPANY, INC., shall pay to the City in the form of a credit on the Company's Monthly Statement for Street Lighting Service to the City an amount equal to the rate for the residential street light of the same size and to be illuminated the same hours as the major portion of the residential street lights furnished by the Company to the City under Street Light Schedule SL-2 multiplied by a number equal to one for each twenty-five (25) population or major fraction thereof of the City as shown each year in the January issue of the "Kansas Government Journal." The amount of credit each month shall not exceed the monthly charge for Street Lighting Service.

SECTION 5. This Ordinance shall take effect and be in force from and after final passage, approval and publication as required by K.S.A. 12-824. The Company shall file its written acceptance of the Ordinance within sixty (60) days from and after final passage of this Ordinance.

Passed and approved by the Governing Body of Almena, Kansas, this 2nd day of January, 1968.

LOREN E. VAN PATTEN
Mayor

Attest:
M. A. BURNETT
City Clerk
SEAL

Conditions of Ordinance # 313

Power Franchise

LEGAL NOTICES

(First Published in The Almena Plaindealer, December 7, 1967) 3t

"NOTICE"

Notice is hereby given that the Governing Body of the City of Almena, Kansas, proposes to pass an Ordinance granting a franchise to WESTERN POWER & GAS COMPANY, INC., its successors and assigns, said franchise reading as follows:

FRANCHISE ORDINANCE

AN ORDINANCE GRANTING TO WESTERN POWER & GAS COMPANY, INC., A KANSAS CORPORATION, ITS SUCCESSORS AND-OR ASSIGNS, THE RIGHT TO USE THE STREETS, AVENUES, ALLEYS AND OTHER PUBLIC PLACES IN THE CITY OF ALMENA, KANSAS, FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING AND OPERATING AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM TO SERVE SAID CITY AND ITS INHABITANTS WITH ELECTRICAL ENERGY FOR ALL PURPOSES:

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

SECTION 1. That the right and privilege is hereby granted to WESTERN POWER & GAS COMPANY, INC., its successors and-or assigns to operate a system for the transmission, distribution and sale of electrical energy in the City of Almena, Kansas, for a period of twenty (20) years from and after final passage of this Ordinance. Further, to use the streets, avenues, alleys and other public places in said City, and all additions thereto, to construct, maintain and operate said system of transmission and distribution facilities and all appurtenances thereto for the sale of electrical energy to said City and its inhabitants for all purposes.

SECTION 2. The grantee, herein, its successors and-or assigns, shall furnish, to said City and its inhabitants, sufficient and efficient twenty-four hour a day service of electrical energy for all purposes, unless prevented by acts or causes not reasonably within its control. Any such service rendered shall be subject to and in compliance with all rules, regulations and schedules of rates and charges for such service as shall be determined from time to time by the State Corporation Commission, or other regulatory body having jurisdiction thereof.

SECTION 3. This franchise is granted pursuant to the provisions of Section 12-824 of the Kansas Statutes Annotated.

SECTION 4. In consideration of and as compensation for the granting of this Franchise, and in lieu of all licenses, fees or taxes for the uses herein granted, WESTERN POWER & GAS COMPANY, INC., shall pay to the City in the form of a credit on the Company's Monthly Statement for Street Lighting Service to the City an amount equal to the rate for the residential street light of the same size and to be illuminated the same hours as the major portion of the residential street lights furnished by the Company to the City under Street Light Schedule SL-1 multiplied by a number equal to one for each twenty-five (25) population or major fraction thereof of the City as shown each year in the January issue of the "Kansas Government Journal." The amount of credit each month shall not exceed the monthly charge for Street Lighting Service.

SECTION 5. This Ordinance shall take effect and be in force from and after final passage, approval and publication as required by K.S.A. 12-824. The Company shall file its written acceptance of the Ordinance within sixty (60) days from and after final passage of this Ordinance.

Passed and approved by the Governing Body of Almena, Kansas, this 4th day of Dec., 19 67.

Loren E. Van Patten Mayor

Attest:

City Clerk M. A. Burnett

That the Governing Body intends to pass said franchise unless, within twenty (20) days from the first publication of this notice ten percent (10%) of the legal electors of the City of Almena, Kansas petition the Governing Body of Almena, Kansas, to submit same to a vote of the electors of said City.

Dated Almena, Kansas, this fourth day of December, 1967.

LOREN E. VAN PATTEN
Mayor

Attest:
M. A. BURNETT
City Clerk

Ordinance No. 314

AN ORDINANCE ESTABLISHING THE LICENSING, REGULATION AND RABIES IMMUNIZATION OF DOGS.

BE IT ORDAINED BY THE GOVERNING BODYOF THE CITY OF ALMENA, KANSAS:

SECTION NO. I. That any person owning or harboring any dog or dogs five months of age or over within the corporate City limits of the City of Almena, Kansas, shall pricure annually ~~from the City Clerk~~ or City Marshall, a tag for each dog, for which the owner shall pay a yearly license of One Dollar for each male and spayed female and Two Dollars for each unspayed female and secure a tag for each sum paid, said tags to be affixed by permanent metal fasteners to the collar of each dog and constantly worn.
If necessary, the City Clerk or Police can require a certificate from a licensed Veterinarian showing said dog to spayed before issuing a license for a tag.
That the license provided in this section shall expire on December 31st, of each year.

SECTION NO. 2. THE CITY CLERK shall publish a notice on or before the 15th, day of December of each year warning all persons who own or harbor dogs over five months of age to pay license taxes thereon for the ensuing year by January Ist. of the ensuing year.

SECTION NO. 3. IT SHALL BE THE DUTY OF THE CITY MARSHALL to take into custody and impound dogs running at large in the City (not provided with and wearing the tag provided for in ~~SECTION~~ I of this Ordinance, ~~except during the month of December in each year.~~ When such dog or dogs are so impounded, the City Marshall shall post in three public places, a notice of the impounding and description of said dog or dogs, stating that the dog or dogs in question will be sold at private or public sale and if not claimed within three days said dog or dogs will be destroyed.

SECTION NO. 4. IT SHALL BE UNLAWFUL for thr owner or harborer, or any person having the custody or control of any dog to permit such dog to run at large within the City From April Ist. to August 31st; FOR FEMALE DOG OR DOGS, it shall be unlawful for the owner, harborer or any person having the custody of a female dog, to permit such dog to run at large within the City while in heat, and in such cases the owner or harborer of such female dog shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, be fined any sum not less than Ten Dollars nor more than Fifty Dollars and costs, and such female dog shall be destroyed by the City Marshall immediately wherever found and he shall bury or burn said dog for which he shall receive a fee to be decided by the Governing Body from the GENERAL FUND.

SECTION NO. 5. REDEEMING IMPOUNDED DOGS: Any person wishing to redeem an impounded dog shall pay to the City the amount of the unpaid license tax for said dog and One Dollar impounding fee, and fifty cents per day for each day or part of a day that said dog is kept in pound

SECTION NO. 6. THAT IT SHALL BE UNLAWFUL for any person other than a duly authorized officer to open or attempt to open the pound or any enclosure used to impound dogs placed therein or to take or let out dogs in the enclosure. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor and shall upon conviction thereof shall be punished by a fine of not less than Five Dollars nor more than Fifty Dollars and shall be committed to jail until fine and costs are paid.

SECTION NO. 7. KENNEL DEFINED: Adog Kennel within the terms of this Ordinance shall be taken to mean a place where three or more dogs over Six Months of age are kept for the purpose of breeding of dogs and raising dogs for sale. NO PERSON OR ASSOCIATION shall operate a dog Kennel within the City of Almena Kansas, without first obtaining a license for each Kennel by paying into the City Treasury the sum of Fifteen Dollars per year. No license will be issued for less than one year and each license shall expire December 31st. of each year. EACH DOG within the Kennel over five months of age is liable for tax.

SECTION NO. 8. VICIOUS DOGS: The owner or harborer of any dog or dogs within the City of Almena that is vicious or has been known to bite, chase or run after any person or animal on the streets, alleys or public, shall keep the same muzzled to prevent biting any person or animal. The owner or harborer of a vicious dog or dogs who shall permit such dog to run at large shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than Five Dollars nor more than Fifty Dollars and it shall be the duty of the City Marshall to destroy the dog without further notice.

SECTION NO. 9. IMMUNIZATION OF DOGS: Every dog of the age of five months or over within the City of Almena Kansas, shall be immunized against rabies and shall remain so effectively immunized. BEFORE A LICENSE can be issued to any person or persons, the owner or harborer of a dog or dogs shall furnish a certificate from a licensed veterinarian, showing a current immunization against rabies.

(CONTINUED)

(314 continued) See ordinance No. 333

SECTIONNO. IO. PENALTY FOR VIOLATION: Every owner or harborer of a dog or dogs within the City of Almena, Kansas, five months old or over who fails to have his dog currently immunized as required in SECTION 9 of this Ordinance , shall upon conviction be fined not less than Ten Dollars nor more than One Hundred Dollars.

SECTION NO. II. ALL ORDINANCES or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Passed, approved and adopted this ..... day of ..... I9.... and

will be in force and effect upon its publication in the Almena Plaindealer on the ..... day of .... I9... .

_____ Mayor

Attest _____ City Clerk

Legal Notices

(Published in The Almena Plaindealer, April 16, 1970)

RESOLUTION

Deeming and declaring it advisable to sell or otherwise dispose of a certain irregular tract of City property within the City of Almena, Kansas, Norton County, as the City has no further use for it.

BE IT RESOLVED by the Governing Body of the City of Almena, Norton County, Kansas:

That the following described property be sold to John Hamill, Almena Kansas, who agrees not to use the property for grain storage, machinery or other equipment not used for a residence or home.

Located in the SE ¼ of the SE ¼ Section 8-2-21. Beginning at the corner of South Main Street and the South line of the CB&Q Railroad right-of-way and following the said right-of-way in an Easterly direction to a point directly North of the Kansas Highway Commission's West property line, thence south to the center of Prairie Dog Creek, thence in a Westerly direction to South Main Street, thence in a Northerly direction to point of beginning.

That the Mayor and City Clerk are authorized and directed to execute a good and sufficient deed to said property.

That this Resolution be published in the Almena Plaindealer, the official city weekly newspaper, in the issue of April 16, 1970.

The above Resolution was passed and approved by the City Council this 6th day of April, 1970.

Earl Rhoades, Mayor

M. A. Burnett, City Clerk.

SEAL

ORD 314

lished in The Almena Plain-
er June 20, 1969)

ORDINANCE NO. 314

N ORDINANCE ESTABLISH-
THE LICENSING AND REG-
ATION FOR DOGS, AND RA-
S IMMUNIZATION OF DOGS
D CATS.

e It Ordained By the Governing
y of the City of Almena, Kansas:
ection 1. Dog Tax and Tags.
t any person or persons owning,
ping or harboring any dog or
s, regardless of age, within the
porate limits of this city shall pro-
e annually from the City Clerk of
City a tag for each dog, for
ch such owner shall pay a yearly
ee of One (1) Dollar for each
e and each spayed female and
(2) Dollars for each unspayed
ale and shall take a receipt and
ure a tag from said City Clerk for
sum so paid; said tag shall be at-
d by a permanent metal fasten-
to the collar of said dog in a man-
so said tag may be readily seen
the officers of the City, and it
l be the duty of the owner of said
to see that such collar and tag
constantly worn by such dog.
any person wishing to obtain
rate of license for a female dog
is herein provided for a spayed
ale must show to the City Clerk
Chief of Police of said City's cer-
ate of a licensed veterinarian
ing said dog to be spayed.
ection 2. Giving Notice of Time
Secure License. The City Clerk
l publish a notice on or before the
day of December of each year
he official city paper warning all
ons owing, keeping or harboring
to pay license taxes thereon for
ensuing year before January 1 of
ensuing year.
ection 3. Duty of City Clerk.
t it shall be the duty of the City
k of said city to procure at the
ense of said City, such number of
able metallic tags or plates, num-
d and lettered A.D.T. and the
, for the purpose designated in
ion 1 of this article, as may be
ssary and upon payment of the
specified in Section 1 hereof,
City Clerk shall issue a receipt
ch shall show the name of the
on paying the tax, the number of
s of each sex and the name, age
r and breed of each dog for which
ense is paid, and the number of
given, and shall keep a duplicate
ach receipt given, and the money
eceived shall be paid to the City
surer for the credit of the gene-
fund of the City; he or she shall
make out and submit to the
or and Council at the first regu-
meeting each quarter, a certified
ement of his or her receipts from
sale of dog tags from the pre-
s quarter.
ection 4. Duty of Chief of Police.
all be the duty of the City Mar-
and each regular and special
eman to take into custody and
round dogs which may be in said
not provided with and wearing
tag provided for in Section 1 of
article or if found running at
e in violation of Section 5 or 9 of
article, except during the month
December in each year. When
dog is so impounded the City
(3) or more public places in said City, written or printed notices of said impounding with a description of each dog so impounded and stating that said dog will be sold at public or private sale or killed if not claimed or redeemed within three days from the posting of said notices.

Section 5. Running at Large of Dogs. It shall be unlawful for the owner, keeper, harborer or any person having the care, custody or control of any dog to permit such dog to run at large within this city from April 1 to August 31.

Section 6. Redeeming Impounded Dogs. That any person wishing to redeem a dog, male or female, that has been impounded, shall pay to the Clerk of said City the amount of unpaid license tax for said dog, and pay to the keeper of the pound, one dollar ($1.00) impounding fee, and fifty cents (50c) per day for each day or part of a day that said dog is kept in pound, or produce a receipt from the Clerk of said City showing that license of such dog, male or female, has been paid for the current year, in which case the clerk shall deliver to such person a duplicate tag, and such person shall pay to said keeper of pound one dollar ($1.00) for the redemption of such dog, and fifty cents (50c) for each day or part of a day that said dog is kept in said pound, but in no case shall the City Clerk issue more than one duplicate tag for the same dog.

Section 7. Fee for Killing or Selling Dogs. That the officer killing any dog under the provisions of section 4 hereof shall bury or burn the body thereof and shall receive the sum of one dollar ($1.00) for such service to be paid and allowed out of the General Fund of said City. The pound keeper shall also receive amount received from any dog sold as provided in Section 4 hereof.

Section 8. Untagged Dogs. That it is hereby made unlawful for any person or persons to have, keep, harbor, or maintain, or cause to be kept, harbored or maintained, within said City for more than ten days any dog, regardless of age, and regardless of whether a license has been paid on said dog in some other city or municipality, on which a City of Almena dog tax for the current year is not displayed, except during the month of December. Any person or persons violating the provisions of the section shall upon conviction thereof, be deemed guilty of a misdemeanor, and shall be fined not less than one dollar ($1.00) nor more than fifty dollars ($50.00) and costs and shall stand committed to jail until said fine and costs are paid; provided however, that this section shall not apply to a dog under six months of age kept in a regularly licensed kennel, as defined herein; and provided further that any dog impounded under the provisions of this act shall not be released without the payment of the license thereon and the impounding fees because kept within the city less than ten days.

Section 9. Female Dogs. That it shall be unlawful for the owner or owners, keeper or harborers of any female dog to suffer or permit the same to run at large within the corporate limits of said City, while in heat, and in such cases the owner, keeper or harborer of such female dog shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be fined any sum not less than ten dollars ($10) nor more than fifty dollars ($50) and costs and shall be committed to jail until such fine and costs are paid, and such female dog shall be killed by the Chief of Police or any Policeman of this City, immediately wherever found, and he shall burn or bury the body for which he shall receive a fee as provided in Section 7 hereof.

Section 10. Vicious Dogs to be Muzzled. It shall be the duty of every owner or harborer of any dog in this City that is vicious or has been known to bite, chase or run after any person or animal on the streets, avenues, alleys or any public place in said City to keep the same muzzled with a good and sufficient wire or leather muzzle, securely fastened so as to wholly prevent such dog from biting any person or animal. Any owner or harborer of any such vicious dog who shall permit such dog to run at large without being muzzled shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than One Dollar ($1.) nor more than five dollars ($5.) It shall be the duty of the City Marshall to forthwith kill any such vicious dog without further notice.

Section 11. Breaking Pound. That it shall be unlawful for any person other than a duly authorized officer to break open or attempt to break open the pound or any enclosure used for impounding dogs or to take or let out any dog placed therein by an officer of this City or to take or attempt to take from an officer of the City any dog taken by him under the provisions of this Ordinance, or in any manner interfere with or hinder any officer of this City in catching or taking up any dog. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not less than five dollars ($5) nor more than fifty dollars ($50) and shall be committed to jail until the fine and costs are paid.

Section 12. Expiration of License. That the license provided for in Section 1 shall expire on December 31 of each year.

Section 13. Kennel Tax. It shall be unlawful for any person or persons or associations to operate a dog kennel within the city limits of the City of Almena, Kansas, without first obtaining license for such kennel by paying into the City treasury the sum of fifteen dollars ($15) per year; no license to be issued for less than one year, and the said license to expire December 31 of each year. The operator of a kennel shall be liable for tax on each individual dog over six months old kept in said kennel, in addition to the said kennel tax.

Section 14. Kennel Defined. A dog kennel within the terms of this article shall be taken to mean a place where three or more dogs over six months old are kept for the purpose of breeding dogs and raising and keeping dogs for sale.

Section 15. Unlawful to Counterfeit Tags, Penalty. That it shall be unlawful to counterfeit the tags hereinbefore provided for with the intent to defraud the City, or to take or steal from any dog a tag, duly purchased and placed on such dog

owner or keeper thereof; an
person or persons violating th
tion shall be deemed guilty of
demeanor and upon conviction
of shall be punished by a fine
less than five dollars ($5) no
than fifty dollars ($50) and
and shall be committed to ja
such fine and costs are paid.

Section 16. Every dog of
of five months or over, wit
corporate limits of the City
mena, Kansas, shall be imm
against rabies and shall rem
effectively immunized. The o
harborer of each such dog sha
request by proper authority,
a certificate from a licensed,
ited veterinarian, attesting
dog's current immunity agai
bies.

Section 17. Before the Cit
shall issue a license or regist
name of the owner or harbor
dog over five months old, the
or harborer of such dog shall
to the City Clerk a certifica
a licensed, accredited veter
showing currently effective in
ation against rabies.

Section 18. Every owner o
borer of a dog five months old
within the City of Almena,
who fails to have his dog c
immunized as required by Se
of this article shall, upon con
be fined not more than $100.

Section 19. Every cat over
of three months within the c
limits of the City of Almena,
shall be immunized against
and shall remain so effectiv
munized. The owner or harb
each such cat shall, upon req
proper authority, produce a
cate from a licensed accredite
inarian, attesting to the cat's
nity against rabies.

Section 20. Every owner o
borer of a cat three months
over within the City of Almen
sas, who fails to have his ca
rantly immunized as requi
Section 19 of this article sha
conviction be fined not mor
$100.00.

PASSED, APPROVED AN
DOPTED THIS 17 day of Jun
and will be in full force and
upon its publication in the
Plaindealer, June 26, 1969, the
city newspaper.

EARL RHOA
Mayor

Attest:
M. A. BURNETT
City Clerk
(SEAL)

ORD NO 315.

An Ordinance repealing Ordinance No. 286 and all other Ordinances or parts of Ordinances which are in conflict.

SECTION NO. I: That a fee of $35.00 be charged for tapping and connecting to the water system, and a fee of $25.00 be charged for connecting to the sanitary sewer system if property is adjacent to the sewer line.

SECTION NO. 2: That a minimum charge of $2.50 for the first 3,000 gallons of water used, and 20¢ per I,000 for the next 5,000 gallons above the minimum, and I5¢ per I,000 gallons used thereafter, and $I.00 per stool sewer charge, all per month, except institutions where a flat rate will be charged.

SECTION NO. 3: Only one dwelling or business firm shall be supplied from the same tap, and where more than one family or business firm is supplied from the same tap, the prevailing water rates and sewer charge will be charged to each family or firm.

SECTION NO. 4: That this Ordinance shall be in full force and effect after its publication in the Almena Plaindealer, the official newspaper of the City of Almena.

This Ordinance passed and approved by the City Governing Body, October I9th, I970, and published in the Almena Plaindealer October 22nd, I970.

M. A. Burnett, City Clerk — Earl Rhoades, Mayor

COUNCILMEN:

T.E.Bartley, Gail Harbers, Royce Whitney, L.J.Schukman, Noble Short.

SEE ORDINANCE NO. 279

.....

RESOLUTION

A RESOLUTION by the City Governing Body to AMEND SECTION NO. 2 of ORDINANCE NO. 315 to read as follows:

SECTION NO. 2 AS AMENDED: That a minimum charge of $2.50 for the first 3,000 gallons of water used, and 20¢ per I,000 for the next 5,000 gallons above the minimum, and I5¢ per I,000 gallons used thereafter, and a $I.00 sewer charge, all per month, per family unit or business firm except institutions where a flat rate will be charged.

THIS RESOLUTION passed and approved ...Dec. 8....., I970.

M.A.Burnett, City Clerk — Earl Rhoades, Mayur

COUNCILMEN:

T.E.Bartley, Gail Harbers, Royce Whitney, L.J.Schukman, Noble Short



ORDINANCE NO. 316

AN ORDINANCE RELATING TO WRECKED, JUNKED, DISMANTLED AND ABANDONED MOTOR VEHICLES: PROHIBITING THE STORAGE, REPAIRING OR DISMANTLING THEREOF ON CERTAIN PRIVATE OR PUBLIC PROPERTY: DECLARING THE SAME TO BE A NUISANCE: PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES: AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

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

Section 1: That it shall be unlawful without prior authorization of the Governing Body of the City of Almena to part, store, leave or permit the parking, storing or leaving of any motor vehicle of any kind which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, for a period of time in excess of fifteen (15) days upon any private or public property within the City of Almena, Kansas, unless the same is completely enclosed within a building or unless it is in connection with a legally operated automobile salvage yard within the corporate limits of the City of Almena, Kansas. That said vehicles, shall include any and all motor vehicles, required to have, but which do not have, a current year's license number plate displayed thereon.

Section 2: Any motor vehicle parked, stored, left or permitted to be parked, stored or left in violation of the provisions of Section 1 hereof shall constitute rubbish and unsightly debris and a nuisance detrimental to the health, safety and welfare of the inhabitants of the City of Almena and it shall be the duty of the registered or other owner of such vehicle and it shall also be the duty of the owner of the private property or the lessee or other person in possession of the private property upon which such vehicle is located either to remove the same from the city of Almena or to have the same housed in a building where it will not be visible from the street or other private property.

Section 3: It shall be the duty of the Marshal of the City of Almena to be the enforcing officer of this Ordinance, to give written notice to the registered or other owner of any motor vehicle which is in violation of this Ordinance, or in the alternative to give such notice to the owner, lessee or occupant of the private property upon which said motor vehicle is situated to the effect that the parking, storing or leaving or permitting the same, is in violation of this Ordinance and requiring that said vehicle be removed from the premises or public or private place within seventy-two (72) hours or that within seventy-two (72) hours the same be housed in a building where it will not be visible from the street or adjoining private property. Said notice shall be given by personal service or by registered or certified mail, or if the owner cannot be determined that a copy of said notice shall be attached to said vehicle.

Section 4: In addition to the above, if notice is given as provided in Section 3 hereof and if said notice remains uncomplied with for a period of seven (7) days and if said persons upon whom said notice is served fail to meet the requirements of said notice, then said person shall be in violation of this Ordinance and the enforcing officer hereof is hereby authorized to remove said vehicle to a place of storage or disposal, including the city dump, and to go upon the premises, either public or private, for said purpose, the cost hereof to be borne by the owner or person in charge of said vehicle.

Section 5: Any person, firm or corporation violating any provision of this Ordinance shall, upon conviction, be fined not to exceed $100.00 plus all expenses incurred in removing said vehicle and storing the same or by imprisonment for not more than three (3) months or by both such fine and imprisonment, and that each day's violation shall constitute a separate offense.

Section 6: That this Ordinance shall take effect and be in force after its official approval, passage and publication in the Almena Plaindealer, the official newspaper of the City of Almena, Kansas.

PASSED AND APPROVED this 7 day of May, 1973.

Arthur Getty
Mayor

ATTEST:

Bernice Hastings
City Clerk

(SEAL)

Legal Notices

(Published in The Almena Plaindealer May 10, 1973)

ORDINANCE NO. 316

AN ORDINANCE RELATING TO WRECKED, JUNKED, DISMANTLED AND ABANDONED MOTOR VEHICLES; PROHIBITING THE STORAGE, REPAIRING OR DISMANTLING THEREOF ON CERTAIN PRIVATE OR PUBLIC PROPERTY; DECLARING THE SAME TO BE A NUISANCE; PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

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

Section 1: That it shall be unlawful without prior authorization of the Governing Body of the City of Almena to part, store, leave or permit the parking, storing or leaving of any motor vehicle of any kind which is in a wrecked, junked, partially dismantled, inoperative or abandoned condition, whether attended or not, for a period of time in excess of fifteen (15) days upon any private or public property within the City of Almena, Kansas, unless the same is completely enclosed within a building or unless it is in connection with a legally operated automobile salvage yard within the corporate limits of the City of Almena, Kansas. That said vehicles, shall include any and all motor vehicles, required to have, but which do not have, a current year's license number plate displayed thereon.

Section 2: Any motor vehicle parked, stored, left or permitted to be parked, stored or left in violation of the provisions of Section 1 hereof shall constitute rubbish and unsightly debris and a nuisance detrimental to the health, safety and welfare of the inhabitants of the City of Almena and it shall be the duty of the registered or other owner of such vehicle and it shall also be the duty of the owner of the private property or the lessee or other person in possession of the private property upon which such vehicle is located either to remove the same from the city of Almena or to have the same housed in a building where it will not be visible from the street or other private property.

Section 3: It shall be the duty of the Marshal of the City of Almena to be the enforcing officer of this Ordinance, to give written notice to the registered or other owner of any motor vehicle which is in violation of this Ordinance, or in the alternative to give such notice to the owner, lessee or occupant of the private property upon which said motor vehicle is situated to the effect that the parking, storing or leaving or permitting the same, is in violation of this Ordinance and requiring that said vehicle be removed from the premises or public or private place within seventy-two (72) hours or that within seventy-two (72) hours the same be housed in a building where it will not be visible from the street or adjoining private property. Said notice shall be given by personal service or by registered or certified mail, or if the owner cannot be determined that a copy of said notice shall be attached to said vehicle.

Section 4: In addition to the above, if notice is given as previded in Section 3 hereof and if said notice remains uncomplied with for a period of seven (7) days and if said persons upon whom said notice is served fail to meet the requirements of said notice, then said person shall be in violation of this Ordinance and the enforcing officer hereof is hereby authorized to remove said vehicle to a place of storage or disposal, including the city dump, and to go upon the premises, either public or private for said purpose, the cost hereof to be borne by the owner or person in charge of said vehicle.

Section 5: Any person, firm or corporation violating any provision of this Ordinance shall, upon conviction, be fined not to exceed $100.00 plus all expenses incurred in removing said vehicle and storing the same or by imprisonment for not more than three (3) months or by both fine and imprisonment, and that each day's violation shall constitute a separate offense.

Section 6: That this Ordinance shall take effect and be in force after its official approval, passage and publication in the Almena Plaindealer, the official newspaper of the City of Almena, Kansas.

PASSED AND APPROVED this 7 day of May, 1973.

ARTHUR GETTY
Mayor

ATTEST:
BERNICE HASTINGS
City Clerk
(SEAL)

(First Published in The Almena Plaindealer May 10, 1973) 2t

RESOLUTION

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALMENA, KANSAS, that the Governing Body of the City of Almena, Kansas, considers and deems it necessary, and does hereby declare it necessary and orders that:

Van Horn Street from the city limits on the North to the C. B. & Q. Railroad on the South

be improved by macademizing, hard surfacing and otherwise improvc.

BE IT FURTHER RESOLVED that the street improvements listed above be made at the cost of the respective owners of the land, lots and tracts liable to special assessment for the cost thereof, under the provisions of Section 12-601 et seq., of Kansas Statutes Annotated, and all amendments thereto, and that the special assessments be levied as provided by law.

BE IT FURTHER RESOLVED that this resolution be published in two consecutive issues of the Almena Plaindealer, a weekly newspaper, and the official city newspaper, and that it take full force and effect from and after twenty days from the past publication thereof unless a protest be filed with the City Clerk of said City, against any such improvement by the resident owners of more than one-half of the property liable for taxation thereof, and that each improvement shall be considered separately for purposes of protest.

ADOPTED and passed this 7th day of May, 1973.

Approved and Signed by:
ARTHUR GETTY
Mayor

ATTEST:
BERNICE HASTINGS
City Clerk
(SEAL)

Ordinance No. 317

Legal Notices

(Published in The Almena Plaindealer July 12, 1973)

ORDINANCE NO. 317

AN ORDINANCE RELATING AND PERTAINING TO STRUCTURES WITHIN THE CORPORATE LIMITS OF THE CITY OF ALMENA, KANSAS, WHICH ARE UNFIT FOR HUMAN USE OR HABITATION, AND PROVIDING FOR THE REPAIR, CLOSING, DEMOLITION, OR REMOVAL OF SUCH STRUCTURES.

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

SECTION 1.

WHEREAS, the Governing Body of the City of Almena, Kansas, has found that there exists in such municipality structures which are unfit for human use or habitation, due to dilapidation, defects, increasing hazards of fire, accidents, or other calamities, lack of ventilation, light, or sanitary facilities, or due to other conditions, including those set forth in Section 4 hereof, which renders such structures unsafe or unsanitary, or dangerous or detrimental to the health, safety, or morals, or otherwise inimical to the welfare of the residents of the said city, and it is hereby deemed necessary by such Governing Body of said city to require or cause the repair, closing, or demolition, or removal of said structures in the manner hereinafter provided.

SECTION 2.

Definitions. For the purpose of this ordinance, certain terms and words are hereby defined as follows:

1. Structures — Anything constructed or erected which requires location on the ground, attached to something having a location on the ground.

2. Residential Structures — Any building, dwelling, or structure, or part thereof used and occupied for human habitation, or intended to be so used, and including any appurtenances belonging thereto, or usually enjoined therewith.

3. Non-residential Structures — Any structure which is used for other than residential purposes, or a part of such structure or a structure, a part of which is used for other than non-residential purposes, and where applicable, the premises on which such structures are situated.

SECTION 3.

(a) Whenever a petition is filed by the Public Officer, who shall be the City Marshall unless otherwise designated, by at least five (5) residents of the municipality charging that any structure is unfit for human use or habitation, or whenever it appears to the Public Officer on his own motion that any structure is unfit for human use or habitation, he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record, and all parties in interest in such structure (including persons in possession), a complaint stating the charges in that respect. Such complaint shall contain a notice that a hearing will be held before the Public Officer at a place therein fixed, not less than ten (10) days nor more than thirty (30) days after serving of such complaint. The owner, mortgagee, and parties in interest, shall have the right to file an answer to the complaint, and to appear in person or otherwise, and give testimony at the place and time fixed in the complaint, and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Public Officer.

(b) If, after such notice and hearing the Public Officer determines that the structure under consideration is unfit for human use or habitation, he shall state in writing his finding of facts in support of such determination, and shall issue and cause to be served upon the owner thereof an order which (a) If the repair, alteration, or improvement of the said structure can be made at a reasonable cost in relation to the value of the structure, which shall not exceed fifty (50) percent of the fair market value of said structure. the owner of said property shall, within the time specified in the order repair, alter, or improve such structure to render it fit for human use or habitation, or shall vacate and close the structure until confirmation with this ordinance is met.

(c) If the repair, alteration, or improvement of the said structure cannot be made at a reasonable cost in relation to the value of the structure, that is to say, under fifty (50) percent of such fair market value, which is hereby deemed to be a reasonable cost by the Governing Body of said city, the owner shall within the time specified in said order remove or demolish such structure.

(d) If the owner fails to comply with an order to repair, alter, or improve, or to vacate and close the structure for a period more than thirty (30) days from the date of such order, the Public Officer may cause such structure to be repaired, altered, or improved, or to be vacated and closed.

(e) If the owner fails to comply with an order to remove or demolish the structure for a period more than thirty (30) days from the date of such order, the Public Officer may cause such structure to be removed or demolished.

(f) The amount of the cost of such repairs, alterations, or improvements, or of vacating and closing, or removal or demolition by the Public Officer, shall be a lien against the real property upon which such cost was incurred, and such lien, including as part thereof allowance of his costs and the necessary attorneys fees, may be foreclosed in judicial proceedings in the manner provided or authorized by law for loans secured by liens on real property, or shall be assessed as special assessment against the lot or parcel of land on which the structure was located, and the City Clerk shall, at the time of certifying other city taxes, certify the unpaid portion of aforesaid costs and the County Clerk shall extend the same on the tax rolls of the County against said lot or parcel of land. If the structure is removed or demolished by the Public Officer, he shall sell the materials of such structure, and shall credit the proceeds of such sale against the cost of the removal or demolition, and if there be any balance remaining it shall be paid to the parties entitled thereto as determined by proper judicial proceedings instituted by the Public Officer after deducting the costs of such judicial proceedings, including his necessary attorneys fees incurred therein as determined by the Court.

SECTION 4.

The Public Officer herein designated may determine that the structure is unfit for human use or habitation if he finds that conditions exist in such structure which are dangerous or injurious to the health, safety, or morals of the occupants of such buildings, or other residents of such municipality, or which have a blighting influence on properties in the area. Such conditions may include the following, with out limitations: Defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, air polution, light, or sanitary facilities, delapidation, disrepair, structural defects, uncleanliness, over-crowding; inadequate ingress and egress; dead and dying trees, limbs, and other insightly appearances that constitute a blight to adjoining property and the neighborhood, or the city; walls, sidings, or exteriors of a quality and appearance not commensurate with the character and properties in the neighborhood; unsightly stored or parked material, equipment, supplies, machineery, trucks or automobiles or parts thereof; vermin infestation; inadequate drainage, or any violation of health, fire, building, or zoning regulations, or any other laws or regulations relating to the use of land and the use and occupancy of buildings and improvements.

SECTION 5.

Complaints or orders issued by the Public Officer pursuant to this ordinance shall be served upon persons either personally or by registered or certified mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the Public Officer in the exercise of reasonable diligence, and the Public Officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by posting a copy of such complaint or order in a conspicuous place on the premises affected by the complaint or order. A copy of such complaint or order shall also be filed with the Clerk of the District Court of Norton County, Kansas, and such filing of the complaint or order shall have the same force and effect as other lis pendens orders provided by law.

SECTION 6.

Any person affected by an order issued by the Public Officer may petition the District Court of Norton County, Kansas, for an injunction restraining the Public Officer from carrying out the provisions of the order, and the Court may, upon such petition, issue a temporary injunction restraining the Public Officer pending the final disposition of the cause, PROVIDED, however, that within thirty (30) days after the posting and service of the order of the Public Officer, such persons shall petition such Court Hearings shall be had by the Court on such petitions as soon thereafter as possible, and shall be given preference over other matters on the Court's calendar. The Court shall hear and determine the issues raised, and shall enter a final order or decree of the proceedings. In all such proceedings, findings of the Public Officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the Court. The remedies herein provided shall be exclusive remedies, and no person affected by an order of the Public Officer shall be entitled to recover any damages for action taken, pursuant to any order of the Public Officer, or because of compliance by such person with any order of the Public Officer.

SECTION 7.

That the Public Officer is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance, including the following powers, in addition to others herein granted:

1. To investigate the structure conditions in the municipality in order to determine which structures therein are unfit for human use or habitation.

2. To administer oaths, affirmations, examine witnesses, and receive evidence.

3. To enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose from a Court of competent jurisdiction in the event entry is denied or resisted.

4. To appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of such ordinance.

5. To delegate any of his functions and powers under such ordinance to such officers, agents, and employees as he may designate.

SECTION 8.

Nothing in this ordinance shall be construed to abrogate or impair the powers of this city to enforce any other provisions of its ordinances, or its charter, or regulations, nor to prevent or punish violations thereof, and the powers conferred by this section upon the Public Officer or other public officials shall be in addition and supplemental to the other powers conferred by said city.

SECTION 9.

It shall be unlawful for any person, corporation, association, partnership, or individual, to use or occupy any structure which has been found to be injurious to the public health, safety, morals, or welfare, as hereinbefore set forth. Any person convicted of a violation of this section shall, upon conviction be fined not more than One Hundred Dollars ($100.00) or be imprisoned not more than three (3) months, or be both so fined and imprisoned.

SECTION 10.

This ordinance is adopted by authority of and under the provisions of K.S.A. 17-4759.

SECTION 11.

This ordinance shall take effect and be in force from and after its publication in The Almena Plaindealer, the official city paper.

PASSED AND APPROVED by the Governing Body of the City of Almena, Kansas, this 2nd day of July, 1973.

ARTHUR GETTY
Mayor

ATTEST:
BERNICE HASTINGS
City Clerk
(SEAL)

Ordinance 318

Street Improvement

Legal Notices

(First published in The Almena Paindealer August 16, 1973) 1t

RESOLUTION

DEEMING AND DECLARING IT NECESSARY TO IMPROVE CERTAIN STREETS AND PORTIONS OF STREETS WITHIN THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALMENA, KANSAS:

That the following portions of street be improved as follows, to-wit:

To be graded curbed, guttered, paved, macademized, and otherwise improved where necessary.

1. West Barcley Street from the East side of Washington Street to the West side of Ives Street;

2. West Barclay Street from the East side of Ives Street to the West side of Main Street;

3. West Barclay Street from the East side of Main Street to the West side of Walnut Street;

all intervening portions of a street as contemplated by Section 12-603, K.S.A.

That all of the above street improvements be done under the authority of Section 12-601, et seq., Kansas Statutes Annotated, and any amendments thereto; specifically Section 12-603, regardless of protest as provided by law.

That said grading, curbing, guttering, paving, macadamizing, and otherwise improving be done and constructed at the cost of the respective owners of land, lots, and tracts liable to pay special assessments for the costs thereof as provided by law.

That this resolution be published in the official city paper for one time only as provided by law, Section 12-603.

Passed and approved this 9th day of August, 1973 by the City Council.

PASSED AND APPROVED BY THE MAYOR.

ARTHUR GETTY
Mayor

ATTEST:
BERNICE HASTINGS
City Clerk
SEAL

(Published in The Almena Plaindealer August 16, 1973) 2t

ORDINANCE NO. 318

AN ORDINANCE PROVIDING FOR THE IMPROVEMENT OF A CERTAIN STREET IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, ORDERING THE WORK TO BE DONE AND PROVIDING FOR THE PAYMENT OF THE COST, THEREOF

WHEREAS, a proper resolution was adopted and published as provided by law Section 12-602 K.S.A. providing for certain Street Improvements, and

WHEREAS, no protests were received against said improvements, and

WHEREAS, proper work ordinance has not been adopted and published as required for said street work; and

WHEREAS, it is now necessary to provide for temporary financing of said improvements.

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

Section 1. That the following street be improved as follows:

Initiated by Resolution

Van Horn Street from the City limits on the North to the C.B.& Q. Railroad on the South be improved by grading, curbing, guttering and otherwise draining and improving, and to be macadamized, hard surfaced, and otherwise improved.

That all of the street work be done as provided by law, Section 12-602, et. seq., K.S.A. and any amendments thereto.

Section 2. That all work in connection with the improvements provided for in Section 1 of this Ordinance shall be done in accordance with plans and specifications of the City's engineers now on file with the City Clerk.

Section 3. That the cost of the improvements herein provided for, except intersections of streets, avenues and alleys and along city owned property, shall be assessed against the lots and parcels of land liable therefor in the manner and as provided by law; and that the cost of the improvements of intersections of streets, avenues and alleys, and abutting any city owned property, shall be assessed against the City at large and paid from taxes levied against all taxable property in the City as provided by law.

Section 4. That the portion of the costs of said improvements, when ascertained, chargeable against specific property shall be assessed against the property liable therefor by ordinance and the City Clerk shall thereupon notify the owners of such real estate insofar as known to him, giving a description of the lots or parcels of land and the amounts of the respective assessments against each, and if paid within thirty days from the date of the publication of such assessment ordinance then such lots and parcels of land against which the assessments are so paid shall be released from further payment on account thereof; and for the assessment not so paid the City Clerk shall certify to the County Clerk one-tenth thereof each year for a period of ten years with interest as determined and specified in such assessment ordinance, until the whole sum against each lot or parcel of land shall have been certified, and such assessments shall be collected in like manner and liable to like penalties as other taxes.

Section 5. That for the purpose of providing funds to pay the cost of said improvements assessed against specific property and not paid within the thirty day period and also that portion of the costs, chargeable to the City at large, there shall be issued Internal Improvements Bonds of the City of Almena as provided by law, Section 12-602 et seq., K.S.A., and any amendments thereto.

Section 6. That in order to temporarily finance the cost of making said improvements until the sale of the bonds provided for in the preceding section, there shall be issued a Temporary Improvement Note or Notes of the City of Almena, the aggregate amount of which shall not exceed the sum of $101,196.60, the estimated cost of said street improvement project. Said temporary improvement note or notes shall be issued from time to time upon resolution or resolutions adopted by the Governing body of the City, fixing the date, term, denomination and interest rates maturity dates (not exceeding four years from the dates of said note or notes and redeemable at any time before maturity) as funds are needed and required for carrying on said improvement project; and the Mayor and City Clerk are hereby authorized and directed to prepare and execute said note or notes to persons having claims against the city in connection with the making of said improvements or sell the same at private sale or not less than par and accrued interest; and the proceeds of said note or notes shall be applied to the payment of actual costs and expenses of said improvements.

Section 7. That this Ordinance shall take effect and be in full force and effect from and after its passage, approval and publication one time in the official city paper.

PASSED AND APPROVED by the City Council this 9th day of August, 1973.

APPROVED AND SIGNED BY THE MAYOR.

ARTHUR GETTY
Mayor

ATTEST:
BERNICE HASTINGS
City Clerk
SEAL

ORDINANCE NO. 319

AN ORDINANCE INCORPORATING BY REFERENCE, UNDER THE PROVISIONS OF K.S.A. 12-3009 THROUGH K.S.A. 12-3012, INCLUDING ANY AMENDMENTS THERETO, AND K.S.A. 12-3302, THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, 1973 EDITION, AND REPEALING ANY AND ALL EXISTING ORDINANCES CONTRARY THERETO.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

Section 1: That the Standard Traffic Ordinance for Kansas Cities, 1973 edition, be, and hereby is, adopted and incorporated by reference by the City of Almena, Norton County, Kansas, as authorized by K.S.A. 12-3009 through K.S.A. 12-3012, and K.S.A. 12-3301 and K.S.A. 12-3302, of which three copies shall be filed with the Office of the City Clerk of Almena, Kansas, and the same is hereby adopted and incorporated as though fully set forth herein.

Section 2: That all existing ordinances of the City of Almena, Norton County, Kansas, contrary to the provisions of said 1973 edition of the Standard Traffic Ordinance for Kansas Cities, be, and hereby are, repealed to the extent necessary to conform with the provisions of said Standard Traffic Ordinance for Kansas Cities, and with the provisions of this Ordinance.

Section 3: That this Ordinance shall be in effect from and after the date of its publication in the official City newspaper.

PASSED, ADOPTED AND APPROVED, this 1st day of April, 1974, by the Governing Body of the City of Almena, Kansas.

Arthur Getty
Mayor

ATTEST:

Bernice Hastings
City Clerk

Ordinance 319

Standard Traffic Ordinance

Legal Notices

(Published in the Almena Plaindealer April 11, 1974)

ORDINANCE NO. 319

AN ORDINANCE INCORPORATING BY REFERENCE, UNDER THE PROVISIONS OF K.S.A. 12-3009 THROUGH K.S.A. 12-3012, INCLUDING ANY AMENDMENTS THERETO, AND K.S.A. 12-3302, THE STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES, 1973 EDITION, AND REPEALING ANY AND ALL EXISTING ORDINANCES CONTRARY THERETO.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

Section 1: That the Standard Traffic Ordinance for Kansas Cities, 1973 edition, be, and hereby is, adopted and incorporated by reference by the City of Almena, Norton County, Kansas, as authorized by K.S.A. 12-3009 through K.S.A. 12-3012, and K.S.A. 12-3301 and K.S.A. 12-3302, of which three copies shall be filed with the Office of the City Clerk of Almena, Kansas, and the same is hereby adopted and incorporated as though fully set forth herein.

Section 2: That all existing ordinances of the City of Almena, Norton County, Kansas, contrary to the provisions of said 1973 edition of the Standard Traffic Ordinance for Kansas Cities, be, and hereby are, repealed to the extent necessary to conform with the provisions of said Standard Traffic Ordinance for Kansas Cities, and with the provisions of this Ordinance.

Section 3: That this Ordinance shall be in effect from and after the date of its publication in the official City newspaper.

PASSED, ADOPTED AND APPROVED, this 1st day of April, 1974, by the Governing Body of the City of Almena, Kansas.

ARTHUR GETTY,
Mayor

ATTEST:
BERNICE HASTINGS
City Clerk
(SEAL)

Ordinance 320

Street Improvement

Legal Notices

(Published in The Almena Plaindealer May 2, 1974)

ORDINANCE No. 320

AN ORDINANCE PROVIDING FOR THE IMPROVEMENT OF CERTAIN STREETS IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, ORDERING THE WORK TO BE DONE AND PROVIDING FOR THE PAYMENT OF THE COST, THEREOF

WHEREAS, Section 12-603, provides for improvement of intervening streets, and;

WHEREAS, a proper resolution was adopted and published as provided by law Section 12-603 K.S.A. providing for certain Street Improvements; and

WHEREAS, said work can be done regardless of protests, and

WHEREAS, proper work ordinance has not been adopted and published as required for said street work; and

WHEREAS, it is now necessary to provide for temporary financing of said improvements.

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

Section 1. That the following streets be improved as follows:

Initiated by Resolution Sec. 12-603

1. West Barclay Street from the East side of Washington Street to the West side of Ives Street;

2. West Barclay Street from the East side of Ives Street to the West side of Main Street;

3. West Barclay Street from the East side of Main street to the West side of Walnut Street;

that all of the above intervening streets be graded, curbed, guttered, paved, macadamized and otherwise improved where necessary and that all of the above streets be improved as provided by law, Section 12-603, et seq., General Statutes of Kansas, 1949, and any amendments thereto.

Section 2. That all work in connection with the improvements provided for in Section 1 of this Ordinance shall be done in accordance with plans and specifications of the City's engineers now on file with the City Clerk.

Section 3. That the cost of the improvements herein provided for, except intersections of streets, avenues and alleys and along city owned property, shall be assessed against the lots and parcels of land liable therefore in the manner and as provided by law; and that the cost of the improvements of intersections of streets, avenues and alleys, and abutting any city owned property, shall be assesssed against the City at large and paid from taxes levied against all taxable property in the City as provided by law.

Section 4. That the portion of the costs of said improvements, when ascertained, chargeable against specific property shall be assesed against the property liable therefor by ordinance and the City Clerk shall thereupon notify the owners of such real estate insofar as known to him, giving a description of the lots or parcels of land and the amounts of the respective assessments against each, and if paid within thirty days from the date of the publication of such assessment ordinance then such lots and parcels of land against which the assessments are so paid shall be released from further payment on account thereof; and for the assessments not so paid the City Clerk shall certify to the County Clerk one-tenth thereof each year for a period of ten years with interest as determined and specified in such assessment ordinance, until the whole sum against each lot or parcel of land shall have been certified, and such assessments shall be collected in like manner and liable to like penalties as other taxes.

Section 5. That for the purpose of providing funds to pay the cost of said improvements assessed against specific property and not paid within the thirty day period and also that portion of the costs chargeable to the City at large, there shall be issued Internal Improvements Bonds of the City of Almena as provided by law, Section 12-602, 12-603, et seq. Kansas Statutes Annotated and any amendments thereto.

Section 6. That in order to temporarily finance the cost of making said improvements until the sale of the bonds provided for in the preceding section, there shall be issued a Temporary Improvement Note or Notes of the City of Almena, the aggregate amount of which shall not exceed the sum of $22,800.00, the estimated cost of said street improvement project. Said temporary improvement note or notes shall be issued from time to time upon resolution or resolutions adopted by the Governing Body of the City, fixing the date, term, denomination and interest rates and maturity dates (not exceeding four years from the dates of said note or notes and redeemable at any time before maturity) as funds are needed and required for carrying on said improvement project; and the Mayor and City Clerk are hereby authorized and directed to prepare and execute said note or notes to persons having claims against the city in connection with the making of said improvements or sell the same at private sale or not less than par and accrued interest; and the proceeds of said note or notes shall be applied to the payment of actual costs and expenses of said improvements.

Section 7. That this ordinance shall take effect and be in full force and effect from and after its passage, approval and publication in The Almena Plaindealer, the official city paper.

PASSED AND APPROVED by the City Council this 24th day of April, 1974.

APPROVED AND SIGNED BY THE MAYOR.

ARTHUR GETTY
Mayor

ATTEST:
BERNICE HASTINGS
City Clerk
(SEAL)

Ordinance No. 321

Legal Notices

(Published in The Almena Plaindealer, May 9, 1974) 1t

ORDINANCE NO. 321

AN ORDINANCE PROVIDING FOR THE IMPROVEMENT OF CERTAIN STREETS IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, ORDERING THE WORK TO BE DONE AND PROVIDING FOR THE PAYMENT OF THE COST, THEREOF

WHEREAS, proper, sufficient Petitions have been filed as required by Section 12-602, et seq., calling for certain street improvements; and.

WHEREAS, said work can be done regardless of protests, and

WHEREAS, proper work ordinance has not been adopted and published as required for said street work; and

WHEREAS, it is now necessary to provide for temporary financing of said improvements.

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

Section 1. That the following streets be improved as follows:

Initiated by Petitions as per Section 12-602, et seq., K.S.A.

1. Cleveland Avenue from the west side of intersection of Cleveland Avenue and William Street, east to the east side of intersection of Cleveland Avenue and St. Clair Street;

2. William Street from the north side of intersection of William Street and Bourton Avenue north to the south side of intersection of William Street and Cleveland Avenue;

3. Ives Street from the south side of intersection of Ives Street and West Brooks Street south to the railroad right-of-way;

that all of the above streets be graded, curbed, guttered, paved, macadamized and otherwise improved where necessary, and that all of the above streets be improved as provided by law, Section 12-602 et seq., Kansas Statutes Annotated, and any amendments thereto.

Section 2. That all work in connection with the improvements provided for in Section 1 of this Ordinance shall be done in accordance with plans and specifications of the City's engineers now on file with the City Clerk.

Section 3. That the cost of the improvements herein provided for, except intersections of streets, avenues and alleys and along city owned property, shall be assessed against the lots and parcels of land liable therefore in the manner and as provided by law; and that the cost of the improvements of intersections of streets, avenues and alleys, and abutting any city owned property, shall be assessed against the City at large and paid from taxes levied against all taxable property in the City as provided by law.

Section 4. That the portion of the costs of said improvements, when ascertained, chargeable against specific property shall be assessed against the property liable therefor by ordinance and the City Clerk shall thereupon notify the owners of such real estate insofar as known to him, giving a description of the lots or parcels of land and the amounts of the respective assessments against each, and if paid within thirty days from the date of the publication of such assessment ordinance then such lots and parcels of land against which the assessments are so paid shall be released from further payment on account thereof; and for the assessments not so paid the City Clerk shall certify to the County Clerk one-tenth thereof each year for a period of ten years with interest as determined and specified in such assessment ordinance, until the whole sum against each lot or parcel of land shall have been certified, and such assessments shall be collected in like manner and liable to like penalties as other taxes.

Section 5. That for the purpose of providing funds to pay the cost of said improvements assessed against specific property and not paid within the thirty day period and also that portion of the costs chargeable to the City at large, there shall be issued Internal Improvements Bonds of the City of Almena as provided by law, Section 12-602, et seq., Kansas Statutes Annotated, and any amendments thereto.

Section 6. That in order to temporarily finance the cost of making said improvements until the sale of the bonds provided for in the preceding section, there shall be issued a Temporary Improvement Note or Notes of the City of Almena, the aggregate amount of which shall not exceed the sum of $30,412.00, the estimated cost of said street improvement project. Said temporary improvement note or notes shall be issued from time to time upon resolution or resolutions adopted by the Governing Body of the City, fixing the date, term, denomination and interest rates and maturity dates (not exceeding four years from the dates of said note or notes and redeemable at any time before maturity) as funds are needed and required for carrying on said improvement project; and the Mayor and City Clerk are hereby authorized and directed to prepare and execute said note or notes to persons having claims against the city in connection with the making of said improvements or sell the same at private sale or not less than par and accrued interest; and the proceeds of said note or notes shall be applied to the payment of actual costs and expenses of said improvements.

Section 7. That this ordinance shall take effect and be in full force and effect from and after its passage, approval and publication in The Almena Plaindealer, the official city paper.

PASSED AND APPROVED by the City Council this 24th day of April, 1974.

APPROVED AND SIGNED BY THE MAYOR.

ARTHUR GETTY
Mayor

ATTEST:
BERNICE HASTINGS
City Clerk
(SEAL)

(First Published in The Almena Plaindealer, May 9, 1974) 1t

RESOLUTION

DEEMING AND DECLARING IT NECESSARY TO IMPROVE A CERTAIN STREET AND PORTION OF STREET WITHIN THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALMENA, KANSAS:

That the following portion of street be improved as follows, to-wit:

To be graded, curbed, guttered, paved, macadamized, and otherwise improved where necessary.

Cleveland Avenue from the east side of intersection of Cleveland Avenue and St. Clair Street, east to the west side of intersection of Cleveland Avenue and Van Horn Street;

Brocton Street from the east side of intersection of Brocton Street and Main Street east to the west side of the intersection of Brocton Street and Walnut Street.

That the above street improvement be done under the authority of Section 12-601, et seq., Kansas Statutes Annotated, and any amendments thereto; specifically Section 12-603, regardless of protest as provided by law.

That said grading, curbing, guttering, paving, macadamizing, and otherwise improving where necessary be done and constructed at the cost of the respective owners of land, lots, and tracts liable to pay special assessments for the costs thereof as provided by law.

That this resolution be published in the official city paper for one time only as provided by law, Section 12-603.

Passed and approved this 24th day of April, 1974 by the City Council.

PASSED AND APPROVED BY THE MAYOR.

ARTHUR GETTY

ATTEST:
BERNICE HASTINGS
City Clerk
(SEAL)

Ordinance No. 322

(Published in The Almena Plaindealer, May 23, 1974)

ORDINANCE NO. 322

AN ORDINANCE PROVIDING FOR THE IMPROVEMENT OF CERTAIN STREETS IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, ORDERING THE WORK TO BE DONE AND PROVIDING FOR THE PAYMENT OF THE COST, THEREOF

WHEREAS, Section 12-603, provides for improvement of intervening streets, and;

WHEREAS, a proper resolution was adopted and published as provided by law Section 12-603 K.S.A. providing for certain Street Improvements; and

WHEREAS, said work can be done regardless of protests, and

WHEREAS, proper work ordinance has not been adopted and published as required for said street work; and

WHEREAS, it is now necessary to provide for temporary financing of said improvements.

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

Section 1. That the following streets be improved as follows:

Initiated by Resolution Sec. 12-603

1. Cleveland Avenue from the east side of intersection of Cleveland Avenue and St. Clair Street, east to the west side of intersection of Cleveland Avenue and Van Horn Street;

A

2. Brocton Street from the east side of intersection of Brocton Street and Main Street east to the west side of the intersection of Brocton Street and Walnut Street that all of the above streets be graded, curbed, guttered, paved, macadamized and otherwise improved where necessary, and that all of the above streets be improved as provided by law, Section 12-603 et seq., Kansas Statutes Annotated, and any amendments thereto.

Section 2. That all work in connection with the improvements provided for in Section 1 of this Ordinance shall be done in accordance with plans and specifications of the City's engineers now on file with the City Clerk.

Section 3. That the cost of the improvements herein provided for, except intersections of streets, avenues and alleys and along city owned property, shall be assessed against the lots and parcels of land liable therefore in the manner and as provided by law; and that the cost of the improvements of intersections of streets, avenues and alleys, and abutting any city owned property, shall be assessed against the City at large and paid from taxes levied against all taxable property in the City as provided by law.

Section 4. That the portion of the costs of said improvements, when ascertained, chargeable against specific property shall be assessed against the property liable therefor by ordinance and the City Clerk shall thereupon notify the owners of such real estate insofar as known to him, giving a description of the lots or parcels of land and the amounts of the respective assessments against each, and if paid within thirty days from the date of the publication of such assessment ordinance then such lots and parcels of land against which the assessments are so paid shall be released from further payment on account thereof; and for the assessments not so paid the City Clerk shall certify to the County Clerk one-tenth thereof each year for a period of ten years with interest as determined and specified in such assessment ordinance, until the whole sum against each lot or parcel of land shall have been certified, and such assessments shall be collected in like manner and liable to like penalties as other taxes.

Section 5. That for the purpose of providing funds to pay the cost of said improvements assessed against specific property and not paid within the thirty day period and also that portion of the costs chargeable to the City at large, there shall be issued Internal Improvements Bonds of the City of Almena as provided by law, Section 12-602, 12-603, et seq., Kansas Statutes Annotated, and any amendments thereto.

Section 6. That in order to temporarily finance the cost of making said improvements until the sale of the bonds provided for in the preceding section, there shall be issued a Temporary Improvement Note or Notes of the City of Almena, the aggregate amount of which shall not exceed the sum of $22,227.00 the estimated cost of said street improvement project. Said temporary improvement note or notes shall be issued from time to time upon resolution or resolutions adopted by the Governing Body of the City, fixing the date, term, denomination and interest rates and maturity dates (not exceeding four years from the dates of said note or notes and redeemable at any time before maturity) as funds are needed and required for carrying on said improvement project; and the Mayor and City Clerk are hereby authorized and directed to prepare and execute said note or notes to persons having claims against the city in connection with the making of said improvements or sell the same at private sale or not less than par and accrued interest; and the proceeds of said note or notes shall be applied to the payment of actual costs and expenses of said improvements.

Section 7. That this ordinance shall take effect and be in full force and effect from and after its passage, approval and publication in The Almena Plaindealer, the official city paper.

PASSED AND APPROVED by the City Council this 21st day of May, 1974.

APPROVED AND SIGNED BY THE MAYOR

ARTHUR GETTY
Mayor

ATTEST
BERNICE HASTINGS
City Clerk
(SEAL)

Ordinance Street Improvement

No. 323

(Published in The Almena Plaindealer, June 6, 1974)

ORDINANCE NO. 323

AN ORDINANCE PROVIDING FOR THE IMPROVEMENT OF CERTAIN STREETS IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, ORDERING THE WORK TO BE DONE AND PROVIDING FOR THE PAYMENT OF THE COST, THEREOF

WHEREAS, Section 12-603, provides for improvement of intervening streets, and;

WHEREAS, a proper resolution was adopted and published as provided by law Section 12-603 K.S.A. providing for certain Street Improvements; and

WHEREAS, said work can be done regardless of protests, and

WHEREAS, proper work ordinance has not been adopted and published as required for said street work; and

WHEREAS, it is now necessary to provide for temporary financing of said improvements.

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

Section 1. That the following streets be improved as follows:

Initiated by Resolution Sec. 12-603

1. Benton Street from the east side of intersection of Benton Street and Van Horn Street east to the west side of intersection of Benton and Wagner street

that all of the above streets be graded, curbed, guttered, paved, macadamized and otherwise improved where necessary, and that all of the above streets be improved as provided by law, Section 12-603 et seq., Kansas Statutes Annotated, and any amendments thereto.

Section 2. That all work in connection with the improvements provided for in Section 1 of this Ordinance shall be done in accordance with plans and specifications of the City's engineers now on file with the City Clerk.

Section 3. That the cost of the improvements herein provided for, except intersections of streets, avenues and alleys and along city owned property, shall be assessed against the lots and parcels of land liable therefore in the manner and as provided by law; and that the cost of the improvements of intersections of streets, avenues and alleys, and abutting any city owned property, shall be assessed against the City at large and paid from taxes levied against all taxable property in the City as provided by law.

Section 4. That the portion of the costs of said improvements, when ascertained, chargeable against specific property shall be assessed against the property liable therefor by ordinance and the City Clerk shall thereupon notify the owners of such real estate insofar as known to him, giving a description of the lots or parcels of land and the amounts of the respective assessments against each, and if paid within thirty days from the date of the publication of such assessment ordinance then such lots and parcels of land against which the assessments are so paid shall be released from further payment on account thereof; and for the assessments not so paid the City Clerk shall certify to the County Clerk one-tenth thereof each year for a period of ten years with interest as determined and specified in such assessment ordinance, until the whole sum against each lot or parcel of land shall have been certified, and such assessments shall be collected in like manner and liable to like penalties as other taxes.

Section 5. That for the purpose of providing funds to pay the cost of said improvements assessed against specific property and not paid within the thirty day period and also that portion of the costs chargeable to the City at large, there shall be issued Internal Improvements Bonds of the City of Almena as provided by law, Section 12-602, 12-603, et seq., Kansas Statutes Annotated, and any amendments thereto.

Section 6. That in order to temporarily finance the cost of making said improvements until the sale of the bonds provided for in the preceding section, there shall be issued a Temporary Improvement Note or Notes of the City of Almena, the aggregate amount of which shall not exceed the sum of $4,650.00 the estimated cost of said street improvement project. Said temporary improvement note or notes shall be issued from time to time upon resolution or resolutions adopted by the Governing Body of the City, fixing the date, term, denomination and interest rates and maturity dates (not exceeding four years from the dates of said note or notes and redeemable at any time before maturity) as funds are needed and required for carrying on said improvement project; and the Mayor and City Clerk are hereby authorized and directed to prepare and execute said note or notes to persons having claims against the city in connection with the making of said improvements or sell the same at private sale or not less than par and accrued interest; and the proceeds of said note or notes shall be applied to the payment of actual costs and expenses of said improvements.

Section 7. That this ordinance shall take effect and be in full force and effect from and after its passage, approval and publication in The Almena Plaindealer, the official city paper.

PASSED AND APPROVED by the City Council this 24th day of May, 1974.

APPROVED AND SIGNED BY THE MAYOR

ARTHUR GETTY
Mayor

ATTEST
BERNICE HASTINGS
City Clerk
(SEAL)

Part of
Ord. 323

(Published in the Almena Plaindealer May 30, 1974)

RESOLUTION

DEEMING AND DECLARING IT NECESSARY TO IMPROVE A CERTAIN STREET AND PORTION OF STREET WITHIN THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALMENA, KANSAS:

That the following portion of street be improved as follows, to-wit:

To be graded, curbed, guttered, paved, macadamized, and otherwise improved where necessary. Benton Street from the east side of intersection of Benton Street and Van Horn Street east to the west side of intersection of Benton and Wagner street.

That the above street improvement be done under the authority of Section 12-601, et seq., Kansas Statutes Annotated, and any amendments thereto; specifically Section 12-608, regardless of protest as provided by law.

That said grading, curbing, guttering, paving, macadamizing, and otherwise improving where necessary be done and constructed at the cost of the respective owners of land, lots, and tracts liable to pay special assessments for the costs thereof as provided by law.

That this resolution be published in the official city paper for one time only as provided by law, Section 12-608.

PASSED AND APPROVED this 24th day of May, 1974 by the City Council.

PASSED AND APPROVED BY THE MAYOR.

ARTHUR GEITY

ATTEST:
BERNICE HASTINGS
City Clerk
(SEAL)

Ordinance No. 324

Legal Notices

(Published in The Almena Plaindealer August 22, 1974)

ORDINANCE NO. 324

AN ORDINANCE APPORTIONING THE COST AND EXPENSES OF CONSTRUCTION OF STREET IMPROVEMENTS IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, AND LEVYING AN ASSESSMENT UPON AND AGAINST THE SEVERAL LOTS, PIECES AND PARCELS OF GROUND FOR PAYMENT THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

Section 1. That for the purpose of paying the cost of and expenses of construction of street improvements as authorized by and described in Ordinances Nos. 318, 320, 321, 322, 323 and to provide payments of the bonds necessary and authorized to be issued by said City, covering that portion of the improvements to be paid for by installments, there is hereby apportioned and assessed against the several lots, pieces and parcels of ground liable for the cost and expenses of the construction of said street improvements, the sum set opposite each lot, piece and parcel of ground repectively as equalized by the Mayor and Council of the City of Almena, Kansas.

That the said lots, pieces and parcels of ground assessed and described are as follows:

Description	Amount
HARRISON ADDITION	
Block 4	
Lot 4	$372.40
Lot 5	558.60
Lot 6	1062.44
Lot 7	931.00
Lot 8	558.60
Lot 9	372.40
Block 5	
Lot 7	186.20
Lot 8	186.20
Lot 9	279.30
Lot 10	279.30
Lot 11	465.50
Lot 12	683.50
Lot 13	931.00
Lot 14	558.60
Lot 15	372.40
Block 6	
N 12 ft. Lot 4	89.38
S 38 ft. Lot 4	283.02
N 16 ft. Lot 5	178.75
S 34 ft. Lot 5	379.85
Lot 6	931.00
Lot 7	616.94
Lot 8	465.50
Lot 9	279.30
Lot 10	279.30
Lot 11	186.20
Lot 12	186.20
ORIGINAL TOWN	
Block 2	
Lot 1	1337.56
Lot 2	558.60
N½ Lot 3	186.20
S½ Lot 3	186.20
Lot 13	186.20
Lot 14	186.20
Lot 15	279.30
Lot 16	279.30
Lot 17	465.50
Lot 18	465.50
Block 3	
Lot 1	465.50
Lot 2	465.50
Lot 3	279.30
Lot 4	279.30
Lot 5	186.20
Lot 6	186.20
Lot 16	372.40
Lot 17	558.60
Lot 18	931.00
Block 4	
Lot 1	1098.64
Lot 2	558.60
Lot 3	372.40
Lot 10	372.40
Lot 11	558.60
Lot 12	931.00
STEVENS ADDITION	
Block 1	
Lot 52	2940.68
Lot 54	2775.31
S 52.17 ft. Lot 55	692.56
Block 3	
Lot 41	6088.93
Block 6	
W 100 ft., N ⅝ of Lot 1	770.38
E 108.67 ft., N ⅝ of Lot 1	1,200.00
S 69.55 ft. Lot 1	1,045.14
N 14.33 ft. Lot 4	1,507.71
S 104.33 ft. Lot 4	1,509.03
Block 7	
N 104.44 ft. Lot 5	1,520.91
S 104.33 ft. Lot 5	1,387.59
N 144.33 ft. Lot 8	2,294.47
S 64.33 ft. Lot 8	855.59
Block 8	
N 104.33 ft. Lot 9	1,512.99
S 104.33 ft. Lot 9	1,387.59
Lot 12	2,775.31
LEONARD ADDITION	
Block G	
Lot 1	665.00
Lot 2	665.00
Lot 3	665.00
Lot 4	665.00
Lot 5	665.00
Lot 6	665.00
W½ Lot 8	665.00
W½ Lot 9	665.00
W½ Lot 10	665.00
W½ Lot 11	665.00
Lot 12	665.00
Lot 13	665.00
CENTRAL ADDITION	
Block 2	
Lot 1	665.00
Lot 2	789.08
N½ Lot 3	325.50
S½ Lot 3	440.58
N 35 ft. Lot 4	726.18
S 15 ft. Lot 4	311.22
Lot 5	1223.60
Lot 6	1596.00
Lot 8	1596.00
Lot 9	1223.60
N½ Lot 10	518.70
S½ Lot 10	518.70
Lot 11	665.00
W½ Lot 12	665.00
W½ Lot 13	665.00
LEONARD'S ADDITION	
Block E	
Block E	12521.86
HARRISON'S ADDITION	
Block 2	
Lot 4	372.40
Lot 5	558.60
Lot 6	1064.32
Lot 7	1072.24
Lot 8	558.60
Lot 9	372.40
Block 6	
Lot 1	931.00
Lot 2	558.60
Lot 3	372.40
Lot 13	186.20
Lot 14	186.20
Lot 15	279.30
Lot 16	279.30
Lot 17	465.50
Lot 18	596.56
ORIGINAL TOWN	
Block 12	
Lot 1	665.00
Lot 2	814.16
Lot 3	800.43
Lot 4	665.00
Lot 5	414.83
Block 13	
Lot 2	665.00
Lot 3	1965.46

(Only BROCTON Street in Ordinance No. 322 and only IVES Street in Ordinance No. 321 are being done at this time and are covered by this assessment paper.)

Section 2. That the owner of any such lot, piece of parcel of ground above described, may at any time within thirty (30) days after the publication and the taking effect of this Ordinance, pay the sum hereby apportioned and assessed against said lot, piece or parcel of ground, and shall not thereafter be further liable for the cost and expenses of constructing said improvements under this assessment.

Section 3. That unless said assessment is paid as provided for in Section 2 of this Ordinance, said sum so apportioned and assessed against said lots, pieces and parcels of ground respectively, shall be collected in ten equal annual installments, the first of which installments, together with the interest on the whole amount, shall be certified by the City Clerk of said City to the County Clerk of Norton County, Kansas, and entered on the tax rolls for the year 1975, and collected as other taxes and one installment shall, with one year's interest on amount remaining due, be so certified and entered on the tax rolls for each year thereafter for consecutive years.

That the several amounts so apportioned and assessed and placed on the tax rolls shall bear interest not to exceed seven per cent (7%) per annum, which assessments with interest added to the full amount still due shall ... tified at the same time by ... ing other taxes to the ... Clerk of Norton County, K... The City Clerk of said C... hereby directed to make ext... each year of the amounts ... sessed for the year with the ... est on the unpaid installme... one year and certify the s... the County Clerk of Norton ... ty, Kansas, in the same ... and at the same time pre... by law for certifying other ... to be collected as other tax... collected.

Section 4. That Ordinance ... take effect and be in force ... the and after its passage, a... al and publication in The A... Plaindealer, the official city ...

PAISSED AND APPROVE... the City Council this 19th ... August, 1974.

APPROVED AND SIGNE...
ARTHUR GET...
The Mayor

ATTEST:
BERNICE HASTINGS
City Clerk
(SEAL)

Notice of hearing

Legal Notices

(Published in The Almena Plaindealer August 1, 1974)

NOTICE TO PROPERTY OWNERS

Property owners are hereby notified that the Governing Body of the City of Almena, Norton County, Kansas, will meet in special session on the 8th day of August, 1974, at City Hall as a Board of Equalization, at 7:00 o'clock, P.M., for the purpose of hearing complaints as to the valuation of any lots, pieces and parcels of ground liable for the assessments for construction of improvements to streets authorized by Ordinances Nos. 318, 320, 321, 322 and 323 as determined by the Appraisers. The report of the appraisers is now on file in the office of the City Clerk, and may be inspected there, prior to said special session, in order that property may know whether their property owners may know whether their property has been assessed at a fair value without regard to the value of the buildings or improvements thereon.

ARTHUR GETTY,
Mayor

ATTEST:
BERNICE HASTINGS
City Clerk
(SEAL)

Ordinance No. 325

Legal Notices

(Published in The Almena Plaindealer September 26, 1974)

ORDINANCE NO. 325

AN ORDINANCE ESTABLISHING CERTAIN FEES AND CHARGES FOR WATER SYSTEM AND SEWER SYSTEM CONNECTION CHARGES AND SYSTEMS, AND REPEALING CERTAIN CONFLICTING ORDINANCES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

Section 1: That a non-refundable fee of $45.00 be charged for tapping and connecting to water systems, and a non-refundable fee of $30.00 be charged for connecting to any sanitary sewer system provided the property is adjacent to an existing sewer system line, and further provided, with respect to water tapping and connection charges, that all such water connection systems shall be ¾ inch meters, unless 1 inch meters be requested by the owner of said adjacent property, in which instance an additional charge, non-refundable, will be made for the difference between ¾ inch meter and 1 inch meter service.

Section 2: That a minimum charge of $2.50 per month for the first 3,000 gallons of water used, and $.30 per 1,000 gallons, or any portion thereof, in excess of 3,000 gallons, shall be charged, together with a charge of $1.25 per month sewer charge, per single residential unit, with the exception of institutional users of water services, which shall be charged a flat rate for water service as, from time to time, determined by resolution or other action of the Governing Body of the City of Almena, Kansas.

Section 3: That Ordinances No. 286 and 315, and any other ordinances or portions or ordinances in conflict with Sections 1 and 2 hereof be, and hereby are, repealed.

Section 4: That this Ordinance shall be in effect from and after the date of its publication in the official city newspaper.

PASSED, ADOPTED AND APPROVED this 24th day of September, 1974, by the Governing Body of the City of Almena, Kansas.

ARTHUR GETTY
Mayor

ATTEST:
BERNICE HASTINGS
City Clerk

Ordinance 326
Standard Traffic Ordinance (see ordinance 31

(MISSING)

Ordinance No 327

Legal Notices

(Published in The Almena Plaindealer, October 10, 1974)

ORDINANCE NO. 327

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF INTERNAL IMPROVEMENT BONDS OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS, IN THE SUM OF $99,419.05, FOR THE PURPOSE OF PAYING THE COST OF STREET IMPROVEMENTS IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, AND FIXING THE DETAILS OF SAID BONDS.

WHEREAS, the Governing Body of the City of Almena, Norton County, Kansas, has heretofore by resolutions and ordinances adopted, as provided by law, authorized the construction of certain street improvements in and for the City of Almena, Kansas, which Ordinances and resolutions were duly approved and published as required by law; and

WHEREAS, the construction of the work directed to be done has been completed and the total cost of the streets has been determined to be $139,927.80, of which $39,989.77 is chargeable to the City at large and $99,938.03 has been determined to be chargeable to spicific property liable therefore, and which said amount has been heretofore duly assessed and apportioned to the specific lots, parcels and pieces of ground liable therefore; and

Number	Denomination	Amount
1	$4,419.05	$ 4,419.05
2	5,000.00	5,000.00
3-4	5,000.00	10,000.00
5-6	5,000.00	10,000.00
7-8	5,000.00	10,000.00
9-10	5,000.00	10,000.00
11-12	5,000.00	10,000.00
13-14	5,000.00	10,000.00
15-16	5,000.00	10,000.00
17-18	5,000.00	10,000.00
19-20	5,000.00	10,000.00

WHEREAS, within the time allowed by law, the property owners liable for the street improvements have paid in cash the sum of $40,508.75, leaving an unpaid balance of $99,419.05, for which amount bonds are required to be issued; and

WHEREAS, the said City of Almena, Kansas, is authorized by the provisions of Section 12-601, et. seq., K.S.A., and all acts amendatory, complementary and supplemental thereto, to issue bonds of said City for the payment of the costs of said street improvements as described in Work and Note Ordinances No's. 318, 320, 321, 322 and 323 and Assessment Ordinance No. 324; and

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

Section 1. That the Mayor and the City Clerk of the City of Almena, Kansas, be and they are hereby authorized and directed to issue Internal Improvement Bonds of the City of Almena, Kansas, in the principal amount of $99,419.05 for the purpose of paying the unpaid portion of the costs of the construction of street improvements in the City of Almena, Kansas.

Section 2. That said bonds shall be dated October 1, 1974, and known as Series A 1974 Streets, and shall be numbered, in denomination, bear interest and mature according to the following schedule:

Int. Rate	Maturity
6¼%	October 1, 1975
6¼%	October 1, 1975
6¼%	October 1, 1976
6¼%	October 1, 1977
6¼%	October 1, 1978
6¼%	October 1, 1979
6¼%	October 1, 1980
6¼%	October 1, 1981
6¼%	October 1, 1982
6¼%	October 1, 1983
6¼%	October 1, 1984

first interest is due April 1, 1975, and semiannually thereafter on October 1 and April 1 of each year.

Said Bonds and the interest coupons to be attached thereto, as hereinafter provided, shall be payable at the office of the State Treasurer of the State of Kansas, in the City of Topeka, Kansas.

Section 3. Said Bonds shall be in the form provided by law and shall be signed by the Mayor and attested by the City Clerk of said City and shall have the corporate seal of the said City affixed thereto, and each of said Bonds shall be registered by the City Clerk of the City of Almena, Kansas, and by the State Auditor of the State of Kansas, as required by law. Said Bonds shall be sold as provided by law and the proceeds used for the purpose above stated.

Section 4. These Bonds are payable partly from special assessments which have been assessed against the property benefited; however, the full faith, credit and resources of the City of Almena, Kansas, are pledged for the prompt payment of the principal and interest of said Bonds when due, and the Mayor and City Council shall make provisions for the payment thereof by levying an annual tax on all the taxable property in the City of Almena, Kansas, sufficient to pay the installments of principal and interest on all of said Bonds outstanding as the same severally become due.

Section 5. This Ordinance shall be in force and take effect from and after its passage, approval and publication in the official City paper.

Passed and approved by the City Council this 2nd day of October, 1974.

Approved and signed by the Mayor.

ARTHUR GETTY,
Mayor.

ATTEST:
BERNICE HASTINGS
City Clerk
(SEAL)

Ordinance No. 328

Legal Notices

Published in The Almena Plaindealer November 21, 1974)

ORDINANCE NO. 328

AN ORDINANCE ESTABLISHING A MUNICIPAL SERVICE FOR THE COLLECTION AND DISPOSAL OF ALL GARBAGE, RUBBISH AND TRASH ACCUMULATED IN THE CITY SETTING FORTH THE AUTHORITY OF THE SANITATION OFFICER; PRESCRIBING REGULATIONS FOR THE STORAGE AND COLLECTION OF CARBAGE, RUBBISH AND TRASH; PROVIDING FOR THE MAINTENANCE OF SANITARY CONDITIONS ON PUBLIC AND PRIVATE PREMISES IN THE CITY; PROVIDING FOR THE IMPOSITION AND COLLECTION BY THE CITY OF FEES FOR THE COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH AND TRASH; AND PRESCRIBING PENALTIES FOR VIOLATION OF ITS PROVISIONS.

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

SECTION 1. Definitions. For the purposes of this Ordinance, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in singular number include the plural number, The word "shall" is always mandatory and not merely directive.

a. **Residential Solid Waste.**
Refuse, rubbish, trash, etc., resulting from the normal household activities.

b. **Food Wastes.**
Animal, vegetable or mineral matter derived from the preparation or packaging of foodstuffs.

c. **Rubbish and Trash.**
Combustibles such as paper, wood, yard trimmings, etc., and noncombustibles such as metal, glass, stone, dirt, etc.

d. **Residence.**
A dwelling unit such as a home, mobile homes, multi-family dwelling should be considered a separate dwelling unit for purposes of billing.

e. **Special Material.**
These are bulky materials or other special wastes that are not stored in standard storage containers and cannot be picked up by a normally used collection vehicle.

f. **Hazardous Materials.**
Wastes that are hazardous by reasons of their pathological, explosive, radiological or toxic characteristics.

g. **Commercial Establishment.**
Mercantile, industrial, business, assembly, public, institutional and all other establishments commonly designated as such or as hereafter designated as such, or commonly considered nonresidential.

h. **City.**
Area within the corporate limits of Almena, Kansas.

i. **County.**
All area within the political boundaries of Norton County, Kansas.

j. **Contractor.**
A person or business officer with whom the county has contracted to collect and dispose of refuse.

Sanitarian. Such application shall set forth the name of the applicant, the address of the applicant and the method and site of hauling and disposal of such trash and waste material. Upon the City Sanitarian being satisfied that said applicant will dispose of said trash in conformity with the terms and provisions of this Ordinance, he shall issue a permit to such applicant, which may be revoked by the Governing Body of the City for violation of this Ordinance.

SECTION 4. Contracts. The governing body shall have the right to enter into a contract with any responsible person or other municipality, city or county, providing said contract shall provide for collection and disposal of all refuse within the City under the terms as specified in this Ordinance.

SECTION 5. Cleanliness of Streets, Alleys and Public Places. It shall be unlawful for any person to throw, place, deposit or allow to accumulate, leave or cause to be thrown, placed, deposited, or left upon any sidewalk, gutter, street, alley, thoroughfare, park, other public grounds, or any city-owned property, any garbage, trash, cast off machinery, abandoned automobile bodies, tires, junk, filth, dirt, or litter of any kind except by depositing the same in containers provided specifically for such purpose.

SECTION 6. Construction Areas and Special Conditions.

a. **Construction Areas.**
That nothing in this Ordinance shall prevent any person under a permit from the City from encumbering the streets or alleys with building materials or earth as may be necessary for the purpose of construction, erection, adding to, remodeling, or repairing any building or structure or resulting from demolition operations, provided, however, that in the event of such encumbering of the streets or alleys, the contractor, owner, or occupant shall remove any and all materials remaining within ten (10) days from the completion of the work, and shall leave the said street or alley in the same condition that they were in prior to such use thereof.

b. **Construction and Demolition Operations.**
Nothing elsewhere contained in this Ordinance shall be construed as prohibiting construction contractors, tree surgeons, roofers, and other private contractors, whose operations result in the accumulations of refuse from hauling and disposing of accumulations of trash and rubbish resulting from their own operations, provided they shall at all times comply with the regulations and provisions of this Ordinance.

c. **Unusual Situations.**
In situations which are not contemplated or considered by the terms and conditions of this Ordinance, the City Sanitarian shall have the power and the authority to grant special rights and privileges on a temporary basis for the collection, hauling and disposal of trash and garbage where such special privileges are required in order to maintain the health and sanitation of the City and its inhabitants or such right and privilege is required to avoid the creation of a public nuisance.

SECTION 7. Method of Disposal. It shall be unlawful for any person to dispose of any refuse within the City except by burning in an incinerator or by burying in a sanitary landfill as approved by the City Sanitarian. It shall be unlawful for any person to burn any refuse except in an incinerator or by burying in a sanitary landfill as approved by the City Sanitarian. It shall be unlawful for any person to burn any refuse

328 cont'd

j. **Contractor.**
A person or business officer with whom the county has contracted to collect and dispose of refuse.

k. **Person.**
Any person, firm, partnership, association, corporation, company or organization of any kind.

l. **City Sanitarian.**
That person so designated by the city governing body to be responsible for the duties of said position.

SECTION 2. Collection Service. refuse accumulated in the City all be collected, conveyed and posed of by the Contractor authorized by the County to provide id services.

It shall be unlawful for any person to collect or haul over the y streets any trash, garbage, or fuse unless such person shall ve a contract with the City or unty, provided that this section all not apply to departments of e City or County governments; ovided further that nothing in is section shall be construed to event a person from hauling or posing of his own trash accumated at his residence or place of siness, in such a manner as not endanger the public health or fety, not to create a nuisance to e inhabitants of said City and t to litter the streets and alleys said City and after having obined a permit from the City Satarian, to so haul and dispose of s own trash.

A current paid receipt for collction services shall constitute a rmit. All other persons shall tain a permit from the City.

SECTION 3. Application for rmit. Any person desiring to llect or transport his own trash er city streets shall make applicions for such purpose to the City

ds
of a public nuisance.

SECTION 7. Method of Disposal. The Contractor shall collect all refuse in said city and dispose thereof by a sanitary landfill method or by other approved method at an approved place provided by said Contractor.

SECTION 8. Ownership of Refuse. Ownership of refuse materials, when placed in the containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the City, when such containers are placed where designated by the City or City Sanitarian, and shall thereafter be subject to the exclusive control of the City, its employees or contractors.

SECTION 9. Burning.

a. **Fires on Public Property.** It shall be unlawful for any person to kindle or maintain any bonfire or any rubbish fire or authorize any such fire to be kindled or maintained on or in any public sidewalk, street, alley, road or other public ground, except in authorized fire places in park locations, unless permission from the Fire Department shall have first been obtained.

b. **Fires on Private Property.** No person shall kindle or maintain any bonfire, rubbish fire or trash fire nor permit any such fire to be kindled or maintained on any private property within the established fire limits of the City except in an incinerator properly and safely constructed within a structure and approved by the Fire Department of said City. No person shall kindle or maintain nor permit to be kindled or maintained outside the established fire limits and within the City any bonfire, rubbish

a. All dwellings and commercial establishments shall place said containers at a suitable location at the edge of an adjacent street or alley, at such location as may be designated by the City Sanitarian, if such street or alley is available or adjacent to said property.

b. Where no street or alley is available and adjacent to said premises said storage containers shall be kept at the rear of the dwelling on said premises and at a place readily accessible to the Contractor, provided that where no alley is adjacent to the rear of the premises the occupants shall place their storage containers and refuse on the parking in front of their premises on collection days and in such event the Contractor shall empty such storage containers at the front of the premises, provided further that where no alley is available the City Sanitarian may designate the proper place at which to keep said storage containers.

c. All containers or enclosures shall be maintained in a clean and sanitary manner by the person or persons in possession of the premises which said container or containers serve.

SECTION 15. Time of Collection. The contractor shall collect and remove garbage and trash and other refuse from the residential districts once each week and from commercial establishments a minimum of twice (2) per week, and where more frequent collection is necessary frequency shall be determined by the City Sanitarian, Contractor and Commercial Establishment. Provided that large objects of non-putrescible material which cannot be placed in packer trucks shall be collected and removed at least once each month.

SECTION 16. Charges for Collection and Disposal. The City in providing the service of collection

failing to pay shall, at the optio of the City, be discontinued, an such collection shall not be re sumed until all collection charge against the premises shall hav been paid. The discontinuance c service by the City for non-pay ment of the refuse collection fe shall not relieve any person of hi responsibility and obligation t abide by the terms of this Ord nance regarding the removal c garbage, trash and refuse.

SECTION 18. Additional Rule Additional rules and regulation not inconsistent with the term and provisions of this Ordinanc may be promulgated and enforce by the City Sanitarian with th approval of the Governing Body c said City.

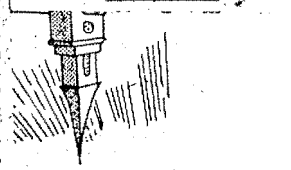
SECTION 19. Penalties. An person who shall violate any c the provisions of this Ordinanc shall, upon conviction, be punish ed by a fine of not less than Te ($10.00) Dollars nor more tha One Hundred ($100.00) Dollar and each day of failure to compl with such provisions of this Ord nance shall constitute a separat offense.

SECTION 20. Effective Dat This Ordinance shall take effe and be in force from and after it publication in the official ci newspaper.

PASSED AND APPROVED thi 18 day of November, 1974.

ARTHUR GETTY
Mayor

ATTEST:
BERNICE HASTINGS
City Clerk.



ORDINANCE NO. 329

An Ordinance Creating the Office of Building Official, Providing for the Issuance of Building Permits, and establishing a Certain Construction Standards Consistent with the Need to Minimize Flood Damage.

Be it ordained by the governing body of the City of Almena, Kansas,

Section 1: The office of Building Official is hereby created, and the executive official in charge shall be known as the Building Official.

Section 2: The Building Official shall be appointed by resolution of the City Council, and his appointment shall continue during good behavior and satisfactory service. During temporary absence or disability of the Building Official, the governing body of the City shall designate an acting Building Official.

Section 3: The Building Official is Authorized and directed to enforce all the provisions of this Ordinance and all other ordinances of the City of Almena, now in force or hereafter adopted, realating to zpning, sub-division regulations or building codes.

Section 4: The Building Official shall submit a report to the City Council not less than once a year covering the work of his office during the preceding year. The Building Official shall keep a permanent accurate account of all fees and other monies collected and received, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

Section 5:

(a) Permits Required: No person, firm or corporation shall erect, construct, enlarge, or improve any building or structure in the city, or cause th same to be done, without first obtaining a separate building permit for each such building or structure from the Building Official.

(b) Applicaiton: To obtain a permit the applicant shall first file an application therfor in writing on a form furnished for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made;

2. Descrive the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;

3. Indicate the use or occupancy for which the proposed work is intended;

4. Be accompanied by plans and specifications as required in Sub-section (c) of this Section;

5. State the valuation of the proposed work;

6. Be signed by the permitte, or his authorized agent, who may be required to submit evidence to indicate such authority;

7. Give such other information as reasonably may be required by the Building Official.

(c) Information on Plans and Specifications: Plans and specifications shall be drawn to scale upon substantial papepr or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of this Ordinance and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall give the house and steet address of the work and the name and address of the owner and person who prepared them. Plans shall include a plot plan showing the location fo the proposed building and of every existing building on the property. In lieu of detailed specifications, the Building Official may approve references on the plans to a specific section or part of this Ordinance or other ordinances or laws.

Section 6: The Building Official when reviewing applications for building permits, including the plans and specifications for the proposed construction, will review all building permit applications to determine if the proposed construction is consistent with the neeed to minimize flood damage.

Section 7: The Building Official shall review all building permit applications to determine if the site of the proposed cpnstruction is reasonably safe from flooding and to make recommendations for construction in all locations which have flood hazards.

Section 8: The Building Official in reviewing all applications for construction in flood hazard locations within the City shall require that any such proposed construction must:

(a) Be designed and anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.

(b) Use of construction methods and practices that will minimize flood damage.

(c) Use of construction methods and practices that will minimize flood damage.

(d) Provide adequate drainage in order to reduce exposure to flood hazards.

(e) Locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical and water systems.

Section 9: The Governing Body of the City, in reviewing all subdivision applications, shall make findings of fact and determine if:

(a) All such proposed developments are consistent with the need to minimize flood damage.

(b) Adequate drainage is provided so as to reduce exposure to flood hazards.

(c) Adequate drainage is provided so as not to increase the exposure to flood hazards of adjacent lands.

(d) All public utilities and facilities are located, elevated and constructed so as to minimize or eliminate flood damage, these utilities and facilities to include sewer, gas, electrical and water sustems.

Section 10:

(a) Issuance: The application, plans and specifications filed by an applicant for a permit shall be checked by the Building Official. Such plans may be reviewed by other departments of the city to check compliance with the laws and ordinances under their jurisdiction. If the Building Official is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this Ordinance and other pertinent laws and ordinances, and that the fee specified herein has been paid, he shall issue a permit therefor to the applicant.

(b) Retention of Plans: One set of approved plans, specifications, and computations shall be retained by the Building Official for a period of not less than 90 days from date of completion fo the work covered therein.

(c) Expiration: Every permit issued by the Building Official under the provisions of this Ordinance shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 120 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before such work can be recommenced a new permit shall be first obtained so to do, and no fee therefor shall required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year.

(d) Suspension or Revocation: The Building Official may, in writing, suspend or revoke a permit issued under provisions of this Ordinance whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this Ordinance.

Section 11: A fee in the amount of $10.00 for each building permit shall be paid to the Building Official at the time the application for building permit is submitted to the Building Official.

Section 12: All construction or work for which a building permit is required shall be subject to inspection by the Building Official. A survey of the lot may be required by the Building Official to verify compliance of the structure with approved plans. No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official, which approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required in Section 13 of this Ordinance.

Section 13: Reinforcing steel or structural framework of any part of any buildign or structure shall not be covered or concealed without first obtaining the approval of the Building Official. The Building Official, upon notification from the permit holder or his agent, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with this Ordinance.

(a) Foundation Inspection: To be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on th job. Where concrete from a central mixing plant (commonlu termed "transit mixed") is to be used, materials need not be on the job.

(b) Frame Inspection: To be made after the roof, all framing, fire-blocking, and bracing are in place and all pipes, chimneys, and vents are complete..

(c) Lath and/or Wallboard Inspection: To be made after all lathing and/or wallborard, interior and exterior, is in place; byt before any plastering is applied or before wallbord joints and fasteners are taped and finishedl

(d) Final Inspection: To be made after building is competed and ready for occupancy..

ADDOPTED AND PASSED by the City Council of the City of Almena, Kansas this 2 day of June, 1975.

Approved and Signed by the Mayor

H. C. Stevens Mayor

Rhonda Schalansky

Ordinance No. 331

(Published in The Almena Plaindealer October 30, 1975)

ORDINANCE NO. 331

Water and Sewer Charges

AN ORDINANCE ESTABLISHING CERTAIN FEES AND CHARGES FOR WATER SYSTEM AND SEWER CHARGES AND REPEALING CERTAIN CONFLICTION ORDINANCES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

Section 1: That a minimum charge of $3.50 per month for the first 3,000 gallons of water used, and $.35 per 1,000 gallons, or and portion thereof, in excess of 3,000 gallons, shall be charged, together with a charge of $2.00 per month sewer charge, per single residential unit, with the exception of institutional users of water services, which shall be charged a flat rate for water service as, from time to time, determined by resolution or other action of the Governing Body of the City of Almena, Kansas. Also that $.50 of each water charge and sewer charge will be set aside for future maintenance and improvement.

Section 2: That Ordinance No. 315, 286, and 325 and any other ordinances or portions of ardinance in conflict with Section 1 hereof be and hereby are repealed.

Section 3. That this Ordinance shall be in effect from and after the date of its publication in the official city newspaper.

PASSED, ADOPTED AND APPROVED this 6th day of October, 1975, by the Governing Body of the City of Almena, Kansas.

HARRY C. STEVENS
Mayor

ATTEST:
CAROL ENGELHARDT
City Clerk.

Legal Notices

(Published in The Almena Plaindealer January 15, 1976)

ORDINANCE NO. 332

AN ORDINANCE GOVERNING THE PARKING OF COMMERCIAL TRUCKS-TRAILER COMBINATIONS, AND SIMILAR COMMERCIAL VEHICLES WITHIN THE CITY OF ALMENA, KANSAS, AND PROVIDING FOR PENALTY IN THE INSTANCE OF VIOLATION THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

Section 1: That the parking, for a period exceeding 6 hours, of any combination of truck-tractor and semi-trailer unit, ordinarily used or offered for commercial commodity hauling purposes, is hereby prohibited upon the right-of-way of all streets, alleys and highways located within the City of Almena, Norton County, Kansas except in those areas which shall specifically be signed and posted as being designated for commercial truck parking.

Section 2: Upon conviction for violation of Section 1 hereof any party so convicted, upon a first offense, shall be punished by a fine of not less than $25.00 nor more than $50.00, and upon a second or subsequent conviction thereof such violator shall be fined in an amount not less than $50.00 nor more than $100.00.

Section 3: This ordinance shall be effective from and after the date of its publication in the official city newspaper.

PASSED, ADOPTED AND APPROVED, this 12th day of January, 1976 by the governing body of the City of Almena, Kansas.

HARRY C. STEVENS
Mayor

ATTEST:
CAROL ENGELHARDT
City Clerk
(SEAL)

Ordinance 332

Legal Notices

(Published in The Almena Plaindealer January 15, 1976)

ORDINANCE NO. 332

AN ORDINANCE GOVERNING THE PARKING OF COMMERCIAL TRUCKS-TRAILER COMBINATIONS, AND SIMILAR COMMERCIAL VEHICLES WITHIN THE CITY OF ALMENA, KANSAS, AND PROVIDING FOR PENALTY IN THE INSTANCE OF VIOLATION THEREOF.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

Section 1: That the parking, for a period exceeding 6 hours, of any combination of truck-tractor and semi-trailer unit, ordinarily used or offered for commercial commodity hauling purposes, is hereby prohibited upon the right-of-way of all streets, alleys and highways located within the City of Almena, Norton County, Kansas, except in those areas which shall specifically be signed and posted as being designated for commercial truck parking.

Section 2: Upon conviction for violation of Section 1 hereof any party so convicted, upon a first offense, shall be punished by a fine of not less than $25.00 nor more than $50.00, and upon a second or subsequent conviction thereof such violator shall be fined in an amount not less than $50.00 nor more than $100.00.

Section 3: This ordinance shall be effective from and after the date of its publication in the official city newspaper.

PASSED, ADOPTED AND APPROVED, this 12th day of January, 1976 by the governing body of the City of Almena, Kansas.

ORDINANCE NO. 333

AN ORDINANCE AMENDING
ALMENA CITY ORDINANCE
NO. 314 PERTAINING TO
REGULATIONS OF DOGS AND
PENALTIES FOR VIOLATION
OF THE SAME

Be it ordained by the governing body of the City of Almena, Kansas:

SECTION I. That Section V of Ordinance No. 314 of the City of Almena, be amended to prohobit and make it unlawful for the owner, keeper, harborer or any person having the care, custody or control of any dog, to permit such dog to run at large within the City of Almena from March 1st to October 1st of each year.

SECTION II. That Section VI of Almena City Ordinance No. 314, with respect to payment of costs of keeping any dog taken up in accordance with said Ordinance 314 by increasing the cost from .50¢ per day for each day or part of a day said dog is kept in the City Dog Pound, to the amount of $1.00 per day for each day or part of a day that said dog is kept in said pound.

SECTION III. This ordinance shall be effective from and after its official publication in the official city newspaper.

Passed, approved and adopted this 1 day of June, 1976.

Harry A Stevens
Mayor

ATTEST:

Lela Bantam
City Clerk

Ordinance 333 – See Ordinance 314

AFFIDAVIT OF PUBLICATION

State of Kansas, Norton County, ss:

Robert T. Moody, being first duly sworn, deposes and says: That he is publisher of The Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy there of and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 3 day of June, 19 76, with subsequent publications being made on the following dates:

....., 19.....
....., 19.....
....., 19.....
....., 19.....
....., 19.....
....., 19.....

Robert T. Moody

Subscribed and sworn to before me this 7th day of June, 19 76

Notary Public

My commission expires 11-20-76

Printer's fee $ 6.45

Additional copies $.....

(Published in The Almena Plaindealer June 3, 1976)

ORDINANCE NO. 333

AN ORDINANCE AMENDING ALMENA CITY ORDINANCE NO. 314 PERTAINING TO REGULATIONS ON DOGS AND PENALTIES FOR VIOLATION OF THE SAME

Be it ordained by the governing body of the City of Almena, Kansas:

SECTION I. That Section V of Ordiance No. 314 of the City of Almena be amended to prohibit and make it unlawful for the owner, keeper, harborer or any person having the care, custody or control of any dog, to permit such dog to run at large within the City of Almena from March 1st to October 1st of each year.

SECTION II. That Section VI of Almena City Ordinance No. 314, with respect to payment of costs of keeping any dog taken up in accordance with said Ordinance 314 by increasing the cost from .50c per day for each day or part of a day said dog is kept in the City Dog Pound, to the amount of $1.00 per day for each day or part of a day that said dog is kept in said pound.

SECTION III. This ordinance shall be effective from and after its official publication in the official city newspaper.

Passed, approved and adopted this 1st day of June, 1976.

HARRY C. STEVENS
Mayor

ATTEST:
LELA BANTAM
City Clerk
(SEAL)

MARJORIE PRINSEN NOTARY PUBLIC NORTON COUNTY, KANSAS

ORDINANCE NO. 334

AN ORDINANCE ESTABLISHING AND LICENSING DOGS, PROVIDING FOR MINIMUM STANDARDS OF HEALTH AND VACCINATION, ENFORCEMENT THEREOF AND PROVIDING FOR CERTAIN FINES AND PENALTIES.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS as follows, to-wit:

Section 1. Almena City Ordinance No. 314 is hereby repealed.

Section 2. RUNNING AT LARGE PROHIBITED. It shall be unlawful for the owner, keeper or harborer of any dog to permit such dog to run at large in the city at any time. Any dog shall be deemed to be running at large when found off the premises of the owner, keeper, or harborer thereof. Provided, that no such dog shall be held to be running at large when such dog is merely passing along the streets, alleys, avenues or public places of the city while in the charge, care or control of its master or keeper.

Section 3. OWNER OR HARBORER DEFINED. Any person who shall allow any dog to habitually remain or to be lodged or fed within his home, store, yard, enclosure, or place or any other premises in which he resides or controls shall be deemed and considered as owning or harboring such dog within the meaning of this article.

Section 4. VICIOUS DOGS. It shall be unlawful for any person to harbor or keep any vicious dog within the city. The term "vicious dog" as used in this section shall be construed to mean any dog of a cross, ferocious, or dangerous disposition, or that habitually snaps or manifests a disposition to bite persons or other animals or kills any domestic fowl which are kept within proper enclosures. It shall be the duty of the chief of police to investigate each case of any dog if reported as being vicious as above defined, in the neighborhood where such dog is kept, and if he shall determine from the facts obtained that such dog is vicious within the meaning of this section, he shall seize and impound said dog unless the owner or harborer thereof shall agree to permanently keep said dog confined or keep said dog securely chained upon his own premises.

Section 5. TAX LEVIED. There is hereby levied a tax upon each owner or harborer of a dog in the City of Almena, Kansas, in the amount and in the manner following, to-wit:

(a) Each male dog ---------- $3.00
(b) Each spayed female dog ---------- $3.00
(c) Each other female dog ---------- $5.00

Provided, however, that before the owner or harborer of any female dog that has been spayed shall receive the reduction in tax above stated, he shall produce a certificate from a reputable veterinary surgeon showing that such female dog has been spayed and the chief of police or any member of the police department authorized by the chief of police shall endorse the license number upon such spaying certificate each year.

Section 6. FISCAL YEAR; PENALTY. The fiscal year for the licensing of dogs in the city shall be from January 1 to December 31 of each year. Said tax shall become due and payable on January 1 of each year starting January 1, 1978 and shall

become delinquent and subject to an added penalty of one dollar ($1.00) on each dog from and after the first day of February each year; provided, that the owners or harborers of dogs born in the city or brought into the city on or after the first day of February each year shall not be subject to said penalties, but before receiving the benefit of his proviso, they shall be required to make affidavit before the chief of police as to the date on which such dogs were born or brought into the city.

Section 7. REGISTRATION BOOKS. It shall be the duty of the chief of police to keep or cause to be kept a suitable book for the registration of dogs and to register therein all dogs whose owners or harborers have paid the tax required by this section, and it shall be entered therein, the date of registration, the name, sex, breed or color of the dog and the place where kept.

Section 8. ISSUANCE OF TAG. There shall be furnished to the person causing any dog to be registered a suitable metal tag or other permanent tag bearing a number corresponding to that of the license and the year for which such tag is issued.

Section 9. REFUNDS PROHIBITED. No refund of the tax imposed and paid under this section shall be made for any reason.

Section 10. TAG TO BE WORN BY DOG. Each dog licenses under this section shall be provided by its owner or harborer with a substantial collar or harness to which the license tag shall be securely fastened in such a manner that tags can be easily seen by the officers of the city, and the owners or harborers shall see that the tag is constantly worn by the dog.

Section 11. TRANSFER PROHIBITED. No person shall unfasten or attempt to unfasten the tag provided for in this section or take from any dog the tag legally placed upon it by its owner or harborer with the intent to place it upon another dog, and no person shall place such a tag taken from one (1) dog upon another dog. Dog tags shall not be transferable.

Section 12. DUPLICATE TAGS; FEE. In the event any tag issued under this section becomes lost, one duplicate tag may be issued by the police department upon presentation of receipt or other proof showing payment of the tax for the current year. A charge of fifty cents ($.50) shall be made for a duplicate tag.

Section 13. RABIES VACCINATION. No tag shall be issued under this section to the owner or harborer of any dog unless and until said owner or harborer has produced satisfactory proof from a duly licensed veterinarian that the dog sought to be licensed is immunized against rabies for the entirety of the licensing period of said dog. A modified-living-virus-vaccine inoculation will be considered as an acceptable vaccination for a period of two (2) years.

Section 14. EXEMPTION. All dogs under the age of three (3) months shall be exempt from the provisions of this Section.

Section 15. AUTHORIZED IMPOUNDMENT. It shall be lawful for the dog control officer or any other person designated by the City Council for such purpose to pursue, capture and impound any dog found in violation of the provisions of this article within the city.

Section 16. ENTRY UPON PRIVATE PROPERTY. For the purpose of pursuit and capture of any dog authorized by this section, the dog control officer may, with the permission of the owner or occupant of private property, enter upon such private property.

Section 17. REDEMPTION. If within one hundred twenty (120) hours from the date any dog is impounded under this section, the owner of such dog shall appear and claim his dog and shall pay the sum of five dollars ($5.00) to pay the cost of impounding and keeping said dog, such dog shall be returned to such owner if such owner has paid the tax upon said dog for the current year; provided however, that the claiming of any such dog shall be prima facie evidence of the violation by such owner of the provisions of this article.

Section 18. DISPOSITION OF UNREDEEMED DOGS. If any dog impounded under this section is not claimed by the owner thereof within one hundred twenty (120) hours of the time of such impounding, the dog control officer shall cause any such dog to be destroyed.

Section 19. EFFECT OF PAYMENT OF TAX. The payment of a license tax as required by this article upon any dog shall not prevent the impounding or destruction of any dog under the provisions of this section but if a dog taken up shall have a license tag for the current year, the owner of such dog as shown by the records of the city police department shall be notified of the impounding of said dog by the dog control officer at least twenty-four (24) hours before such dog is destroyed.

Section 20. OBSTRUCTING IMPOUNDING. It shall be unlawful for any person to obstruct, hinder or prevent the impounding of any dog under the provisions of this section.

Section 21. BREAKING OR INJURING POUND. It shall be unlawful for any person to break open, destroy or injure the dog pound or any door, gate, fence or enclosure thereof, or to take, or attempt to take therefrom any dog therein impounded without first paying the tax and costs herein provided.

Section 22. PENALTIES FOR VIOLATION. Any person convicted of a violation of any section of this ordinance shall be punished upon such conviction by a fine of not less than twenty-five dollars. ($25.00) nor more than one hundred dollars ($100.00).

Section 23. This ordinance shall take effect from and after its publication in the official city newspaper.

PASSED, ADOPTED AND APPROVED this 8th day of August, 1977.

Barry C. Stevens
Mayor

ATTEST:

Lela Bantam
City Clerk

ORDINANCE NO. 335

AN ORDINANCE PROVIDING FOR THE IMPROVEMENT AND RESURFACING OF CERTAIN STREETS IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, ORDERING WORK TO BE DONE AND PROVIDING FOR THE PAYMENT OF THE COST THEREOF.

WHEREAS a certain Resolution (Resolution No. 1) was duly adopted and published as required by law providing for certain street resurfacing improvements; and,

WHEREAS no protests were received against said improvements; and,

WHEREAS it is necessary to adopt an appropriate work ordinance and publish the same for said street resurfacing and improvements; and,

WHEREAS it is necessary to provide for the funding for said street improvements;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS, as follows, to-wit:

Section 1. That the following streets located within the City of Almena, Norton County, Kansas, be resurfaced, reconstructed, repaired and resealed, to-wit:

West Brooks Street from Main Street to Van Horn Street;

Beaver Street from Washington Street to Van Horn Street;

West Benton Street from Main Street to Wagner Street;

Walnut Street from East Bryant Street to Brockton Street;

Ives Street from West Brooks Street to West Barclay Street;

Washington Street from the Railroad to West Barclay Street;

Wagner Street from Beaver Street to West Brooks Street;

and also:

East Bryant Street from the Railroad westerly to West Bryant;

West Bryant Street westerly to Pratt Avenue;

Pratt Avenue westerly to the West city limits of Almena, Norton County, Kansas.

and that all such street resurfacing and repair work be done as provided by law.

Section 2. That all such street repair and resurfacing work in connection with such improvements provided in Section 1 above of this Ordinance shall be done in accordance with plans and specifications on file with the City Clerk of the City of Almena, Kansas.

Section 3. That the cost of all such street resurfacing and repair work provided for herein shall be assessed against the City of Almena, at large, and paid from taxes levied against all taxable property within the City of Almena, Kansas, as provided by K.S.A. 12-614 et. seq.

Section 4. That this Ordinance shall take effect and be in full force and effect from and after its passage, approval and publication in the official city newspaper.

PASSED, APPROVED AND ADOPTED this 8th day of August, 1977.

Harry D. Stevens
Mayor of the City of Almena,
Norton County, Kansas

ATTEST:

Lela Bantam
City Clerk

AFFIDAVIT OF PUBLICATION

State of Kansas, Norton County, ss:

Robert T. Moody, being first duly sworn, deposes and says: That he is publisher of The Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy there of and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 25 day of August, 1977, with subsequent publications being made on the following dates:

....., 19....
....., 19....
....., 19....
....., 19....
....., 19....
....., 19....

Robert T Moody

Subscribed and sworn to before me this 1st day of Sept., 1977

Notary Public

My commission expires 11-28-80

Printer's fee $.....
Additional copies $.....

(Published in The Almena Plaindealer August 25, 1977).

ORDINANCE NO. 335

AN ORDINANCE PROVIDING FOR THE IMPROVEMENT AND RESURFACING OF CERTAIN STREETS IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, ORDERING WORK TO BE DONE AND PROVIDING FOR THE PAYMENT OF THE COST THEREOF.

WHEREAS a certain Resolution (Resolution No. 1) was duly adopted and published as required by law providing or certain street resurfacing improvements; and,

WHEREAS no protests were received against said improvements; and,

WHEREAS it is necessary to adopt an appropriate work ordinance and publish the same for said street resurfacing and improvements; and,

WHEREAS it is necessary to provide for the funding for said street improvements;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS, as follows, to-wit:

Section 1. That the following streets located within the City of Almena, Norton County, Kansas, be resurfaced, reconstructed, repaired and resealed, to-wit:

West Brooks Street from Main Street to Van Horn Street;

Beaver Street from Washington Street to Van Horn Street;

West Benton Street from Main Street to Wagner Street;

Walnut Street from East Bryant Street to Brockton Street;

Ives Street from West Brockon Street to West Barclay Street;

Washington Street from the Railroad to West Barclay Street;

Wagner Street from Beaver Street to West Brooks Street;

and also:

East Bryant Street from the Railroad westerly to West Bryant;

West Bryant Street westerly to Pratt Avenue;

Pratt Avenue westerly to the West city limits of Almena, Norton County, Kansas.

and that all such street resurfacing and repair work be done as provided by law.

Section 2. That all such street repair and resurfacing work in connection with such improvements provided in Section 1 above of this Ordinance shall be done in accordance with plans and specifications on file with Clerk of the City of Almena.

Section 3. That the cost of such street resurfacing and repair work provided for shall be assessed against the City of Almena, at large, and paid from taxes levied against all taxable property within the City of Almena, Kansas, as provided by K.S.A. 12-614 et. seq.

Section 4. That this Ordinance shall take effect and be in full force and effect from and after its passage, approval and publication in the official city newspaper.

PASSED, APPROVED AND ADOPTED this 8th day of August, 1977.

(s) HARRY C. STEVENS
Mayor of the City of Almena, Norton County, Kansas

ATTEST:
(s) LELA BANTAM
City Clerk.

ORDINANCE NO. 336

AN ORDINANCE PROVIDING FOR THE IMPROVEMENT AND RESURFACING OF CERTAIN STREETS IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, ORDERING WORK TO BE DONE AND PROVIDING FOR THE PAYMENT OF THE COST THEREOF.

WHEREAS a certain Resolution (Resolution No. 2) was duly adopted and published as required by law providing for certain street resurfacing improvements; and,

WHEREAS no protests were received against said improvements; and,

WHEREAS it is necessary to adopt an appropriate work ordinance and publish the same for said street resurfacing and improvements; and,

WHEREAS it is necessary to provide for the funding for said street improvements;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS, as follows, to-wit:

Section 1: That the following streets located within the City of Almena, Norton County, Kansas, be resurfaced, reconstructed, repaired and resealed, to-wit:

West Brooks Street from Main Street to Van Horn Street;

Beaver Street from Washington Street to Wagner Street;

West Benton Street from Main Street to Wagner Street;

Walnut Street from East Bryant Street to Brockton Street;

Ives Street from West Brooks Street to West Barclay Street;

Washington Street from the Railroad to West Barclay Street;

Wagner Street from Beaver Street to West Brooks Street;

and also;

East Bryant Street from the Railroad westerly to West Bryant;

West Bryant Street westerly to Pratt Avenue;

Pratt Avenue westerly to the West city limits of Almena, Norton County, Kansas.

and that all such street resurfacing and repair work be done as provided by law.

Section 2. That all such street repair and resurfacing work in connection with such improvements provided in Section 1 above of this Ordinance shall be done in accordance with plans and specifications on file with the City Clerk of the City of Almena, Kansas.

Section 3. That the cost of all such street resurfacing and repair work provided for herein shall be assessed against the City of Almena, at large, and paid from taxes levied against all taxable property within the City of Almena, Kansas, as provided by K.S.A. 12-614 et. seq.

Section 4. That this Ordinance shall take effect and be in full force and effect from and after its passage, approval and publication in the official city newspaper.

PASSED, ADOPTED AND APPROVED this 7th day of November, 1977.

Harry C. Stevens
Mayor of the City of Almena,
Norton County, Kansas

ATTEST:

Lela Barton
City Clerk

AFFIDAVIT OF PUBLICATION

State of Kansas, Norton County, ss

Robert T. Moody, being first duly sworn, deposes and says: That he is publisher of The Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 10 day of November, 1977, with subsequent publications being made on the following dates:

....., 19

....., 19

Robert T. Moody

Subscribed and sworn to before me this 25 day of Nov., 1977

Kenneth D. Chandler
Notary Public

My commission expires Oct. 28th, 1980

Printer's fee $.....

Additional copies $.....

(Published in The Almena Plaindealer November 10, 1977)

ORDINANCE NO. 336

AN ORDINANCE PROVIDING FOR THE IMPROVEMENT AND RESURFACING OF CERTAIN STREETS IN THE CITY OF ALMENA, NORTON COUNTY, KANSAS, ORDERING WORK TO BE DONE AND PROVIDING FOR THE PAYMENT OF THE COST THEREOF.

WHEREAS a certain Resolution (Resolution No. 2) was duly adopted and published as required by law providing for certain street resurfacing improvements; and

WHEREAS no protests were received against said improvements; and,

WHEREAS it is necessary to adopt an appropriate work ordinance and publish the same for said street resurfacing and improvements; and,

WHEREAS it is necessary to provide for the funding for said street improvements;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS, as follows, to-wit:

Section 1: That the following streets located within the City of Almena, Norton County, Kansas, be resurfaced; reconstructed, repaired and resealed, to-wit:

West Brooks Street from Main Street to Van Horn Street;

Beaver Street from Washington Street to Wagner Street;

West Benton Street from Main Street to Wagner Street;

Walnut Street from East Bryant Street to Brockton Street;

Ives Street from West Brooks Street to West Barclay Street;

Washington Street from the Railroad to West Barclay Street;

Wagner Street from Beaver Street to West Brooks Street;

and also;

East Bryant Street from the Railroad westerly to West Bryant;

West Bryant Street westerly to Pratt Avenue;

Pratt Avenue westerly to the West city limits of Almena, Norton County, Kansas.

and that all such street resurfacing and repair work be done as provided by law.

Section 2. That all such street repair and resurfacing work in connection with such improvements provided in Section 1 above of this Ordinance shall be done in accordance with plans and specifications on file with the City Clerk of the City of Almena, Kansas.

Section 3. That the cost of all such street resurfacing and repair work provided for herein shall be assessed against the City of Almena, at large, and paid from taxes levied against all taxable property within the City of [illegible] 12-614 et. seq.

Section 4. That this Ordinance shall take effect and be in full force and effect from and after its passage, approval and publication in the official city newspaper.

PASSED, ADOPTED AND APPROVED this 7th day of November, 1977.

(s) HARRY C. STEVENS
Mayor of the City of Almena, Norton County, Kansas

ATTEST:
(s) LELA BANTAM
City Clerk

ORDINANCE NO. 338

AN ORDINANCE DESIGNATING THE ENFORCING OFFICER FOR THE PURPOSE OF ADMINISTERING THE PROVISIONS OF K.S.A. 12-1750 THROUGH K.S.A. 12-1756, AND AUTHORIZING THE CITY OF ALMENA, KANSAS TO CAUSE THE REPAIR OR REMOVAL OR TO ALTERNATIVELY REMOVE UNSAFE OR DANGEROUS STRUCTURES.

BE IT ORDAINED by the Governing Body of the City of Almena, Kansas:

Section 1. That the Almena City Building Inspecter is hereby designated as the "Enforcing Officer" of the City of Almena, Kansas and charged with the administration of the provisions of K.S.A. 12-1750 through 12-1756, the same being an act authorizing municipalities to cause the repair or removal of any structure located within the municipality which may have become unsafe or dangerous.

Section 2. That this ordinance shall take affect and be enforced from and after its publication in the official city newspaper.

PASSED AND ADOPTED by the City Council of the City of Almena, Kansas this 7 day of August, 1978.

Terry G. Stevens
Mayor

ATTEST:

Lela Bantam
City Clerk

AFFIDAVIT OF PUBLICATION

State of Kansas, Norton County, ss

Robert T. Moody, being first duly sworn, deposes and says: That he is publisher of The Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 10 day of August, 1978, with subsequent publications being made on the following dates:

....., 19

....., 19

Robert T. Moody

Subscribed and sworn to before me this 14 day of August, 1978

Notary Public

My commission expires 11-28-80

Printer's fee $.....

Additional copies $.....

(Published in The Almena Plaindealer August 10, 1978)

ORDINANCE NO. ~~337~~ 338

AN ORDINANCE DESIGNATING THE ENFORCING OFFICER FOR THE PURPOSE OF ADMINISTERING THE PROVISIONS OF K.S.A. 12-1750 THROUGH K.S.A. 12-1756, AND AUTHORIZING THE CITY OF ALMENA, KANSAS TO CAUSE THE REPAIR OR REMOVAL OR TO ALTERNATIVELY REMOVE UNSAFE OR DANGEROUS STRUCTURES.

BE IT ORDAINED by the Governing Body of the City of Almena, Kansas:

Section 1. That the Almena City Building Inspector is hereby designated as the "Enforcing Officer" of the City of Almena, Kansas and charged with the administration of the provisions of K.S.A. 12-1750 through 12-1756, the same being an act authorizing municipalities to cause the repair or removal of any structure located within the municipality which may have become unsafe or dangerous.

Section 2. That this ordinance shall take effect and be enforced from and after its publication in the official city newspaper.

PASSED AND ADOPTED by the City Council of the City of Almena, Kansas this 7th day of August, 1978.

HARRY C. STEVENS
Mayor

ATTEST:
LELA BANTAM
City Clerk

AFFIDAVIT OF PUBLICATION

State of Kansas, Norton County, ss

Robert T. Moody, being first duly sworn, deposes and says: That he is publisher of The Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 17 day of May, 1979, with subsequent publications being made on the following dates:

....., 19....

....., 19....

Robert T. Moody

Subscribed and sworn to before me this 18th day of June, 1979

Notary Public

My commission expires 11-28-80

Printer's fee $.....

Additional copies $.....

(Published in The Almena Plaindealer May 17, 1979)

ORINANCE No. 339

AN ORDINANCE PROHIBITING CERTAIN VEHICLE OPERATION OF A CARELESS OR HEEDLESS NATURE UPON THE STREETS, HIGHWAYS AND ALLEYWAYS WITHIN THE CITY OF ALMENA, KANSAS.

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

Section 1: No person shall operate, accelerate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the rights or the safety of other persons, vehicles or property, or in such a manner as to endanger or be likely to endanger any person or property, upon the highways, streets, alleyways or public parking lots within the City of Almena, Kansas.

Section 2: Every person convicted of a violation of any of the provisions of Section 1 above of this Ordinance shall, for first conviction thereof, be punished by a fine of not more than $100.00 or imprisonment for not more than ten (10) days; for a second conviction thereof within one (1) year thereafter such person shall be punished by a fine of not more than $200.00 or by imprisonment of not more than twenty (20) days or both such fine and imprisonment; and upon a third and subsequent conviction within one (1) year after the first conviction such person shall be punished by a fine of not more than $500.00 or imprisonment of not more than six (6) months or both such fine and imprisonment.

Section 3: This Ordinance shall take effect upon publication of the same in the official city newspaper.

PASSED AND ADOPTED this 7th day of May, 1979, by the Governing Body of the City of Almena, Kansas.

DOYLE L. QUENZER
Mayor

ATTEST:
LELA BANTAM
City Clerk

THE ALMENA

Legal Notices

(Published in The Almena Plaindealer May 17, 1979)

ORINANCE No. 339

AN ORDINANCE PROHIBITING CERTAIN VEHICLE OPERATION OF A CARELESS OR HEEDLESS NATURE UPON THE STREETS, HIGHWAYS AND ALLEYWAYS WITHIN THE CITY OF ALMENA, KANSAS.

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

Section 1: No person shall operate, accelerate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the rights or the safety of other persons, vehicles or property, or in such a manner as to endanger or be likely to endanger any person or property, upon the highways, streets, alleyways or public parking lots within the City of Almena, Kansas.

Section 2: Every person convicted of a violation of any of the provisions of Section 1 above of this Ordinance shall, for first conviction thereof, be punished by a fine of not more than $100.00 or imprisonment for not more than ten (10) days; for a second conviction thereof within one (1) year thereafter such person shall be punished by a fine of not more than $200.00 or by imprisonment of not more than twenty (20) days or both such fine and imprisonment; and upon a third and subsequent conviction within one (1) year after the first conviction such person shall be punished by a fine of not more than $500.00 or imprisonment of not more than six (6) months or both such fine and imprisonment.

Section 3: This Ordinance shall take effect upon publication of the same in the official city newspaper.

PASSED AND ADOPTED this 7th day of May, 1979, by the Governing Body of the City of Almena, Kansas.

DOYLE L. QUENZER
Mayor

ATTEST:
LELA BANTAM
City Clerk

Use the Want Ads — They Pay.

ORDINANCE NO. 340

AN ORDINANCE ESTABLISHING CERTAIN FEES AND CHARGES FOR WATER SYSTEM SERVICES, WATER LINES, WATER METERS, SEWAGE CHARGES AND SOLID WASTE CHARGES AND REPEALING CERTAIN CONFLICTING ORDINANCES.

BE IT ORDAINED by the Governing Body of the City of Almena, Norton County, Kansas:

Section 1: That from and after the effective date of this Ordinance a non-refundable fee of $ 65.00 shall be charged for tapping and connecting to water systems with respect to water services to properties located within the City Limits of the City of Almena, Kansas, and a non-refundable fee of $ 65.00 shall be charged for tapping and connecting to water system services with respect to water service to properties located outside the City of Almena, Norton County, Kansas, provided that nothing herein shall be construed to obligate the City of Almena, Kansas, to furnish water services to properties located outside the corporate city limits.

Section 2: That from and after the effective date of this ordinance, a non-refundable fee of $ 50.00 shall be charged before tapping and connecting to the sewer systems with respect to sewer services to properties located within the city limit of the City of Almena, Kansas, and all other sewer service other than that within the city limits of the City of Almena, Kansas, shall be provided at the discretion of the city council of said city.

Section 3: That the regular water meter deposit shall be $25.00 and that the rates for users of water on premises within the City of Almena, Kansas, shall be $4.50 per month for the first 3,000 gallon minimum and an additional $.50 per 1,000 gallons over and above said 3,000 gallon minimum and the water rates with respect to water services to premises outside the city of Almena shall be $9.00 per month for the 3,000 gallon monthly minimum and an additional $.50 per 1,000 gallons over said 3,000 gallon minimum.

Section 4: That in the instance of the termination of water service for the reason of non-payment of a water bill, there shall be a reinstallation and service reconnection fee of $5.00 for the first occurrence, $10.00 for the second and each subsequent occurrence within one year and an additional $5.00 for each additional occurrence not to exceed an aggregate of $30.00. The regular water meter deposit of $25.00 shall be doubled upon reconnection of water service after the first termination of water service for the reason of non-payment of water service billings.

Section 5: All residential water service shall be connected by 3/4ths inch line unless larger line is requested by the property owner and agreed to by the city council of Almena, Kansas, in which instance the owner shall be responsible for payment to the City of the cost difference between such larger line and meter and a 3/4 inch line and meter, but the city shall not be obligated to authorize or furnish more than a 3/4 inch line.

Section 6: With respect to water, sewer service and solid waste service charges to rental properties, the owner of said rental property shall be responsible for such services, meter deposits, connection and reconnection charges and all other incidental charges.

Section 7: Sewer service rates with respect to properties within the City of Almena shall be $2.00 per month for each single residential unit and $4.00 per month for each single service residential unit located outside the city limits of the city of Almena, Kansas.

Section 8: All residential water service 3/4 inch line shall be furnished by the city, from the water main to the residential property line, not to exceed a distance of 80 feet. If the distance from said water main to a residential property is greater than 80 feet, the excess shall be the responsibility of the property owner.

Section 9: Section 1 of Almena City Ordinance No. 331 is hereby repealed.

Section 10: This Ordinance shall take affect from and after the date of its publication in the official city newspaper.

PASSED, ADOPTED AND APPROVED this 10 day of ~~August~~ Sept, 1979, by the Governing Body of the City of Almena, Kansas.

Mayor

ATTEST:

Lela Bontrager
City Clerk

AFFIDAVIT OF PUBLICATION

State of Kansas, Norton County, ss

Robert T. Moody, being first duly sworn, deposes and says: That he is publisher of The Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 13 day of September, 19 79, with subsequent publications being made on the following dates:

....., 19....

....., 19....

Robert T. Moody

Subscribed and sworn to before me this 13th day of September 19 79

Notary Public

My commission expires 11-28-80

Printer's fee $.....

Additional Copies $.....

(Published in The Almena Plaindealer September 13, 1979)

ORDINANCE NO. 340

AN ORDINANCE ESTABLISHING CERTAIN FEES AND CHARGES FOR WATER SYSTEM SERVICES, WATER LINES, WATER METERS, SEWAGE CHARGES AND SOLID WASTE CHARGES AND REPEALING CERTAIN CONFLICTING ORDINANCES.

BE IT ORDAINED by the Governing Body of the City of Almena, Norton County, Kansas:

Section 1: That from and after the effective date of this Ordinance a non-refundable fee of $65.00 shall be charged for tapping and connecting to water systems with respect to water services to properties located within the City Limits of the City of Almena, Kansas, and a non-refundable fee of $65.00 shall be charged for tapping and connecting to water system services with respect to water service to properties located outside the City of Almena, Norton County, Kansas, provided that nothing herein shall be construed to obligate the City of Almena, Kansas, to furnish water services to properties located outside the corporate city limits.

Section 2: That from and after the effective date of this ordinance, a non-refundable fee of $50.00 shall be charged before tapping and connecting to the sewer systems with respect to sewer services to properties located within the city limit of the City of Almena, Kansas, and all other sewer service other than that within the city limits of the City of Almena, Kansas, shall be provided at the discretion of the city council of said city.

Section 3: That the regular water meter deposit shall be $25.00 and that the rates for users of water on premises within the City of Almena, Kansas, shall be $4.50 per month for the first 3,000 gallon minimum and an additional $.50 per 1,000 gallons over and above said 3,000 gallon minimum and the water rates with respect to water services to premises outside the city of Almena shall be $9.00 per month for the 3,000 gallon monthly minimum and an additional $.50 per 1,000 gallons over said 3,000 gallon minimum.

Section 4: That in the instance of the termination of water service for the reason of non-payment of a water bill, there shall be a reinstallation and service reconnection fee of $5.00 for the first occurrence, $10.00 for the second and each subsequent occurrence within one year and an additional $5.00 for each additional occurrence not to exceed an aggregate of $30.00. The regular water meter deposit of $25.00 shall be doubled upon reconnection of water service after the first termination of water service for the reason of non-payment of water service billings.

Section 5: All residential water service shall be connected by ¾ inch line unless larger line is requested by the property owner and agreed to by the city council of Almena, Kansas, in which instance the owner shall be responsible for payment to the City of the cost difference between such larger line and meter and a ¾ inch line and meter, but the city shall not be obligated to authorize or furnish more than a ¾ inch line.

Section 6: With respect to water, sewer service and solid waste service charges to rental properties, the owner of said rental property shall be responsible for such services, meter deposits, connection and reconnection charges and all other incidental charges.

Section 7: Sewer service rates with respect to properties within the City of Almena shall be $2.00 per month for each single residential unit and $4.00 per month for each single service residential unit located outside the city limits of the city of Almena, Kansas.

Section 8: All residential water service ¾ inch line shall be furnished by the city, from the water main to the residential property line, not to exceed a distance of 80 feet. If the distance from said water main to a residential property is greater than 80 feet, the excess shall be the responsibility of the property owner.

Section 9: Section 1 of Almena City Ordinance No. 331 is hereby repealed.

Section 10: This Ordinance shall take affect from and after the date of its publication in the official city newspaper.

PASSED, ADOPTED AND APPROVED this 10th day of September, 1979, by the Governing Body of the City of Almena, Kansas.

DOYLE L. QUENZER
Mayor

ATTEST:
LELA BANTAM
City Clerk.

ORDINANCE NO. 341

AN ORDINANCE VACATING SHORT STREET AND CERTAIN PORTIONS OF THE ALLEYWAYS SOUTH OF SHORT STREET AND SOUTH OF LOT 8 IN BLOCK 1 OF THE FISHER ADDITION TO THE CITY OF ALMENA, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Almena, Norton County, Kansas, as follows, to-wit:

Section 1. That under and by virtue of the authority vested with the Governing Body of the City of Almena, Kansas, by K.S.A. 12-512a and K.S.A. 15-427, the following streets and alleyways be and hereby are vacated, to-wit:

(1) Short Street as platted and dedicated in the Fisher Addition to the City of Almena, Kansas;

(2) The alleyway located at the south end of Short Street and the alleyway platted and dedicated south of Lot 8 in Block 1 of the Fisher Addition to the City of Almena, Kansas.

Section 2. That this ordinance shall take effect from date of its publication in the official city newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Almena, Kansas this 3rd day of December, 1979.

Mayor

ATTEST:

Leta Baer
City Clerk

Ordinance 341

AFFIDAVIT OF PUBLICATION

State of Kansas, Norton County, ss

Robert T. Moody, being first duly sworn, deposes and says: That he is publisher of The Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 20 day of December, 1979, with subsequent publications being made on the following dates:

....., 19.....

....., 19.....

Robert T. Moody

Subscribed and sworn to before me this 3rd day of January, 1980

Notary Public

My commission expires 11-28-80

Printer's fee $.....

Additional copies $.....

(Published in The Almena Plaindealer December 20, 1979)

ORDINANCE NO. 341.

AN ORDINANCE VACATING SHORT STREET AND CERTAIN PORTIONS OF THE ALLEYWAYS SOUTH OF SHORT STREET AND SOUTH OF LOT 8 IN BLOCK 1 OF THE FISHER ADDITION TO THE CITY OF ALMENA, KANSAS.

BE IT ORDAINED by the Governing Body of the City of Almena, Norton County, Kansas, as follows, to-wit:

Section 1. That under and by virtue of the authority vested with the Governing Body of the City of Almena, Kansas, by K.S.A. 12-512a and K.S.A. 15-427, the following streets and alleyways be and hereby are vacated, to-wit:

(1) Short Street as platted and dedicated in the Fisher Addition to the City of Almena, Kansas;

(2) The alleyway located at the south end of Short Street and the alleyway platted and dedicated south of Lot 8 in Block 1 of the Fisher Addition to the City of Almena, Kansas.

Section 2. That this ordinance shall take effect from date of its publication in the official city newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Almena, Kansas this 3rd day of December, 1979.

DOYLE L. QUENZER
Mayor

ATTEST:
LETA BAER
City Clerk

ORDINANCE NO. 343

AN ORDINANCE RE-ESTABLISHING FEES AND CHARGES FOR WATER SYSTEM SERVICES, WATER LINES, WATER METERS, SEWER CHARGES AND SOLID WASTE CHARGES, AND REPEALING CONFLICTING ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

SECTION 1: That from the after the effective date of this Ordinance, a fee of $125.00 shall be charged for tapping and connecting to water systems with respect to water services to properties located within the city limits of the City of Almena, Kansas, and a fee of $125.00 shall be charged for tapping and connecting to the water system with respect to water service to properties located outside the city limits of the City of Almena, Kansas, provided that nothing herein shall be construed to obligate the City of Almena, Kansas, to furnish water services to properties located outside the corporate limits of said City. The person to whom services are provided under this Section shall be responsible for the expense of material and labor used for his or her benefit in replacing the street, alley and pavement, and shall be further responsible for providing a metal leg to extend two (2') feet horizontally with the proper meter connection on the out-side of the meter.

SECTION 2: That from and after the effective date of this Ordinance, a fee of $50.00 shall be charged for tapping and connecting to the sewer system with respect to the sewer services to properties located within the corporate limits of the City of Almena, Kansas, and a fee of $50.00 shall be charged for tapping and connecting to the sewer system with respect to sewer services to properties located other than within the corporate limits of the City of Almena, Kansas, however, nothing contained in this Section shall be contrued to obligate the City of Almena, Kansas, to furnish sewer services to properties located outside the corporate limits of said City. All persons tapping and connecting to the sewer system of the City of Almena, Kansas, are required to use a saddle properly bonded to the sewer main, and shall be responsible for all expenses, including the expense of material and labor used to repair and replace the street, alley or pavement in completing said connection. The City of Almena, Kansas, shall perform all necessary and incidental service in completing the tapping and connection to the City's sewer system, however, any person receiving the benefit of said services may independently provide the necessary material and labor to perfect the sewer connection, subject to the standards and specifications required by the governing body of the City of Almena, Kansas, or its employees and agents.

SECTION 3: That the regular water meter deposit shall be $35.00 and that the rates for users of water on premises within the City of Almena, Kansas, shall be $5.50 per month for the first 3,000 gallon used and an additional $.75 per 1,000 gallons used over and above said 3,000 gallon minimum, and the water rates with respect to water services to premises outside the City of Almena, Kansas, shall be $10.00 per month for the first 3,000 gallons used and an additional $.75 per 1,000 gallons over said 3,000 gallon minimum.

SECTION 4: That in the instance of the termination of water service for the reason of nonpayment of the water services provided, there shall be a reinstallation and service reconnection fee of $20.00 for the first occurance, $40.00 for the second and each subsequent occurance within one year and an additional $5.00 for each additional occurance not to exceed an aggragate of $30.00.

SECTION 5: All residential water service shall be connected by three-quarter inch line unless larger line is requested by the property owner and approved by the Governing Body of the City of Almena, Kansas, in which instance the owner shall be responsible for payment

to the City of Almena, Kansas, of the cost difference between such larger line and meter, and a three-quarter inch line and meter, however, the City of Almena, Kansas, shall not be obligated to authorize or furnish a line larger than three-quarter inch.

SECTION 6: With respect to water and sewer tapping and connecting charges to rental properties, the owner of said rental property shall be responsible for such services, meter deposits, connection and reconnection charges and all other incidental charges.

SECTION 7: Sewer service rates with respect to properties within the City of Almena, Kansas, shall be $3.50 per month for each single residential unit, and $7.00 per month for each single service residential unit located outside the corporate limits of the City of Almena, Kansas.

SECTION 8: The City of Almena, Kansas, shall furnish water service line, three-quarter inch in size, from the water main to the actual residential property line, up to eighty feet in length. In the event the distance from the water main to a residential property line is in excess of eighty feet, the additional footage shall be the responsibility of the person receiving the benefit of said service.

SECTION 9. The City of Almena, Kansas, shall be responsible for the maintenance of all water lines up to the users actual property line or 80 feet, whichever is the lesser distance; the person receiving said water service shall be responsible for the maintenance of the remaining water line. The person receiving the benefit of water system services of the City of Almena, Kansas, shall be responsible and liable for all damage to the water meter, meter barrel and line provided by the City of Almena, Kansas, damage caused by ordinary wear and tear, failure and the elements are excepted.

SECTION 10. The City in providing the service of collection and disposing of all solid waste and refuse accumulated within the City for the purpose of preventing unsanitary, unsightly, hazardous, unheathful and dangerous conditions caused by the accumulation of garbage and trash, shall establish and collect a service charge or fee to defray the cost and maintenance of service and to pay to any person contracting with the City for the collection and disposal of refuse, the fees and charges provided by the contract for the collections and disposal thereof. Such service charges and fees shall be computed, based and charged to the owners or occupants of dwelling units or commercial establishments as nearly as practicable upon the basis of volume or time expended in the collection and disposal thereof.

The following schedule of charges is hereby established as reasonable and in accordance with the volume of refuse handled from the following classifications of residences, dwellings and commercial establishments, to-wit:

A. For each single-family dwelling or each unit of a multiple family dwelling containing 3 or less dwelling units, $5.00 per month for each dwelling unit.

B. For each commercial establishment and each multiple-family dwellings containing more than three (3) dwelling units, monthly charges shall be made in accordance with a schedule prepared from time to time by the City Sanitation and approved by the Governing Body of the City and County, which schedule shall be based upon volume of refuse or the time expended in collection and disposal thereof.

C. Mobile home courts shall be charged fees to be established in the same manner and at the same rate as commercial establishments; however, where each mobile home is serviced individually, the normal residential charge of $5.00 per month shall apply.

SECTION 11: All sections of Ordinance No. 340 and section 16 of Ordinance No. 328 adopted by the Governing Body of the City of Almena, Kansas, are hereby repealed.

SECTION 12: This ordinance shall take effect from and after the date of its publication in the official city newspaper.

PASSED, ADOPTED AND APPROVED this 9 day of November, 1981, by the Governing Body of the City of Almena, Kansas.

Mayor Doyle L. Quenzer

ATTEST:

Leta Baer

City Clerk Leta Baer

(Published in the Almena Plaindealer November 19, 1981)

ORDINANCE NO. 343

AN ORDINANCE RE-ESTABLISHING FEES AND CHARGES FOR WATER SYSTEM SERVICES, WATER LINES, WATER METERS, SEWER CHARGES AND SOLID WASTE CHARGES, AND REPEALING CONFLICTING ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

SECTION 1: That from the after the effective date of this Ordinance, a fee of $125.00 shall be charged for tapping and connecting to water systems with respect to water services to properties located within the city limits of the City of Almena, Kansas, and a fee of $125.00 shall be charged for tapping and connecting to the water system with respect to water service to properties located outside the city limits of the City of Almena, Kansas. provided that nothing herein shall be construed to obligate the City of Almena, Kansas, to furnish water services to properties located outside the corporate limits of said City. The person to whom services are provided under this Section shall be responsible for the expense of material and labor used for his or her benefit in replacing the street, alley and pavement, and shall be further responsible for providing a metal leg to extend two (2') feet horizontally with the proper meter connection on the out-side of the meter.

SECTION 2: That from and after the effective date of this Ordinance, a fee of $50.00 shall be charged for tapping and connecting to the sewer system with respect to the sewer services to properties located within the corporate limits of the City of Almena, Kansas and a fee of $50.00 shall be charged for tapping and connecting to the sewer system with respect to sewer services to properties located other than within the corporate limits of the City of Almena, Kansas, however, nothing contained in this Section shall be construed to obligate the City of Almena, Kansas, to furnish sewer services to properties located outside the corporate limits of said City. All persons tapping and connecting to the sewer system of the City of Almena, Kansas, are required to use a saddle properly bonded to the sewer main, and shall be responsible for all expenses, including the expense of material and labor used to repair and replace the street, alley or pavement in completing said connection. The City of Almena, Kansas, shall perform all necessary and incidental service in completing the tapping and connection to the City's sewer system, however, any person receiving the benefit of said services may independently provide the necessary material and labor to perfect the sewer connection, subject to the standards and specifications required by the governing body of the City of Almena, Kansas, or its employees and agents.

SECTION 3. That the regular water meter deposit shall be $35.00 and that the rates for users of water on premises within the City of Almena, Kansas, shall be $5.50 per month for the first 3,000 gallon used and an additional $.75 per 1,000 gallons used over and above said 3,000 gallon minimum, and the water rates with respect to water services to premises outside the City of Almena, Kansas, shall be $10.00 per month for the first 3,000 gallons used and an additional $.75 per 1,000 gallons over said 3,000 gallon minimum.

SECTION 4: That in the instance of the termination of water service for the reason of nonpayment of the water services provided, there shall be a reinstallation and service per connection fee of $20.00 for the first occurance, $40.00 for the second and each subsequent occurance within one year and an additional $5.00 for each additional occurance not to exceed an aggregate of $30.00.

SECTION 5: All residential water service shall be connected by three-quarter inch line unless larger line is requested by the property owner and approved by the Governing Body of the City of Almena, Kansas, in which instance the owner shall be responsible for payment to the City of Almena, Kansas, of the cost difference between such larger line and meter, and a three-quarter inch line and meter, however, the City of Almena, Kansas, shall not be obligated to authorize or furnish a line larger than three-quarter inch.

SECTION 6: With respect to water and sewer tapping and connecting charges to rental properties, the owner of said rental property shall be responsible for such services, meter deposits, connection and reconnection charges and all other incidental charges.

SECTION 7: Sewer service rates with respect to properties within the City of Almena, Kansas, shall be $3.50 per month for each single residential unit, and $7.00 per month for each single service residential unit located outside the corporate limits of the City of Almena, Kansas.

SECTION 8: The City of Almena, Kansas, shall furnish water service line, three-quarter inch in size, from the water main to the actual residential property line, up to eighty feet in length. In the event the distance from the water main to a residential property line is in excess of eighty feet, the additional footage shall be the responsibility of the person receiving the benefit of said service.

SECTION 9: The City of Almena, Kansas, shall be responsible for the maintenance of all water lines up to the users actual property line or 80 feet, whichever is the lesser distance; the person receiving said water service shall be responsible for the maintenance of the remaining water line. The person receiving the benefit of water system services of the City of Almena, Kansas, shall be responsible and liable for all damage to the water meter, meter barrel and line provided by the City of Almena, Kansas, damage caused by ordinary wear and tear, failure and the elements are excepted.

SECTION 10: The City in providing the service of collection and disposing of all solid waste and refuse accumulated within the City for the purpose of preventing unsanitary, unsightly, hazardous, unhealthful and dangerous conditions caused by the accumulation of garbage and trash, shall establish and collect a service charge or fee to defray the cost and maintenance of service and to pay to any person contracting with the City for the collection and disposal of refuse, the fees and charges provided by the contract for the collections and disposal thereof. Such service charges and fees shall be computed, based and charged to the owners or occupants of dwelling units or commercial establishments as nearly as practicable upon the basis of volume or time expended in the collection and disposal thereof.

The following schedule of charges is hereby established as reasonable and in accordance with the volume of refuse handled from the following classifications of residences, dwellings and commercial establishments, to-wit:

A. For each single-family dwelling or each unit of a multiple family dwelling containing 3 or less dwelling units, $5.00 per month for each dwelling unit.

B. For each commercial establishment and each multiple-family dwellings containing more than three (3) dwelling units, monthly charges shall be made in accordance with a schedule prepared from time to time by the City Sanitation and approved by the Governing Body of the City and County, which schedule shall be based upon volume of refuse or the time expended in collection and disposal thereof.

C. Mobile home courts shall be charged fees to be established in the same manner and at the same rate as commercial establishments; however, where each mobile home is serviced individually, the normal residential charge of $5.00 per month shall apply.

SECTION 11: All sections of Ordinance No. 340 and section 16 of Ordinance No. 328 adopted by the Governing Body of the City of Almena, Kansas, are hereby repealed.

SECTION 12: This ordinance shall take effect from and after the date of its publication in the official city newspaper.

PASSED, ADOPTED AND APPROVED this 9th day of November, 1981, by the Governing Body of the City of Almena, Kansas.

DOYLE L. QUENZER
Mayor

ATTEST:
LETA BAER
City Clerk

(First Published in the Almena Plaindealer, Thursday, June 10, 1982.)

ORDINANCE NO. 344

An Ordinance Levying a City Gross Earnings Tax on Intangibles for the Year 1982.

BE IT ORDAINED by the Governing Body of the City of Almena, Kansas:

Section 1. In accordance with the provisions of House Bill No. 3142, Laws of 1982, there is hereby levied in the City of Almena a tax of 2.25 percent (2¼%) on the gross earnings from money, notes and other evidence of debt, commonly known as intangibles, having a taxable situs in the City. Such tax is hereby levied for the year 1982, on the gross earnings from such intangibles in the year 1981, and shall be applicable to such earnings and subject to such exemptions as provided by law.

Section 2. This ordinance shall be published once in the official city newspaper, and a copy duly certified shall be transmitted to the county treasurer of Norton County.

Passed by the Governing Body of the City of Almena, this 7th day of June, 1982.

BLAKE G. HEMPLER
Acting Mayor

Attest:

LETA BAER
City Clerk

FORM NO. 1 — CITIES - 1982 FOR 1982 TAXES

ORDINANCE NO. 344 J

An Ordinance Levying a City Gross Earnings Tax on Intangibles for the Year 1982.

Be it Ordained by the Governing Body of the City of ALMENA, Kansas:

Section 1. In accordance with the provisions of House Bill No. 3142, Laws of 1982, there is hereby levied in the City of ALMENA a tax of 2.25 percent (2¼%) on the gross earnings from money, notes and other evidence of debt, commonly known as intangibles, having a taxable situs in the City. Such tax is hereby levied for the year 1982, on the gross earnings from such intangibles in the year 1981, and shall be applicable to such earnings and subject to such exemptions as provided by law.

Section 2. This ordinance shall be published once in the official city newspaper, and a copy duly certified shall be transmitted to the county treasurer of NORTON County.

Passed by the Governing Body of the City of Almena, this 7th day of June, 1982.

Bob D. Harper - Acting Mayor
Mayor

Attest: Lois Baer
City Clerk

Personally Appeared before Signed this 11th Day of June 1982
Notary. Kenneth D. Chandler
Commission Exp. October 28th, 1984

KENNETH D. CHANDLER NOTARY PUBLIC NORTON COUNTY, KANSAS

FORM NO. 2 — TOWNSHIPS - 1982 FOR 1982 TAXES

Resolution No.

By June 14

ORDINANCE NO. 347

AN ORDINANCE AUTHORIZING THE CITY OF ALMENA, KANSAS, TO ACQUIRE BY EASEMENTS TRACTS OF LAND IN NORTON COUNTY, KANSAS, AND TO CONSTRUCT FACILITIES AND PURCHASE EQUIPMENT FOR INSTALLATION OF A CABLE TV SYSTEM IN AND ADJACENT TO THE CITY OF ALMENA, KANSAS: AND AUTHORIZING THE PAYMENT OF THE COSTS THEREOF: AUTHORIZING AND DIRECTING THE ISSUANCE OF $125,000.00 PRINCIPAL AMOUNT OF INDUSTRIAL REVENUE BONDS OF SAID CITY FOR THE PURPOSE OF PAYING THE COST OF PURCHASING, EQUIPPING, AND CONSTRUCTING, A FACILITY AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BY AND BETWEEN SAID CITY AND KENSINGTON CABLE TV, INC.

WHEREAS, the City of Almena, Kansas, a city of the Third Class, hereinafter sometimes referred to as the "City" desires to promote, stimulate and develop the general economic welfare, commercial and recreational development, and prosperity of the City of Almena, Kansas, and its environs and thereby to further promote, stimulate and develop the general economic welfare, commercial and recreational development, and prosperity of the State of Kansas; and

WHEREAS, pursuant to the provisions of K.S.A. 12-1740 to 12-1749 as amended, said City is authorized to issue industrial revenue bonds of the City, and it is hereby found and determined to be advisable and in the interest and for the welfare of the City and its inhabitants that industrial revenue bonds of the City in the principal amount of $125,000.00 be authorized and issued, for the purpose of providing funds to pay the cost of purchasing, constructing and equipping a cable TV system and facility to be leased to Kensington Cable TV, Inc., hereinafter sometimes referred to as "Tenant" or City.

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

Section 1. That the City of Almena, Kansas, is presently the owner of streets, alleys, and other properties in the City of Almena, subject to easements of record, and the City is hereby authorized to pay the cost of purchasing, constructing and equipping a facility to be located on said streets, alleys, and other property and any other improvements relating thereto being sometimes hereinafter described as the "Facility" in accordance with the provisions of the Lease dated as of December 1, 1982, between said City and Kensington Cable TV, Inc. (sometimes referred to hereafter as the "Lease") hereinafter authorized, all at an amount which will not exceed the cost of $125,000.00 to said City.

Section 2. Authorization of and Security for the Bonds. That for the purpose of providing funds to pay the cost of purchasing, constructing and equipping a cable TV system to be leased to Kensington Cable TV, Inc., there shall be issued and hereby are authorized and directed to be issued a series of Industrial Revenue Bonds, Series 1 of 1982, of the City of Almena, Kansas, in the principal amount of $125,000.00. Said bonds herein authorized, hereinafter

sometimes referred to as the "Bonds" or the "Revenue 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 payment of the principal of and interest and premium, if any, on the Bonds shall be guaranteed by the Tenant pursuant to the terms of the Guaranty Agreement, the form of which is approved by Section 24 of this Ordinance.

Section 3. Description and Details of the Bonds. Designation of Paying Agent. The bonds shall consist of 25 coupon bonds numbered from 1 to 25 inclusive, all of said bonds being in denominations of $5,000.00. All of the bonds shall be dated the 1st day of December, 1982, and said bonds shall be numbered and shall become due serially on December 1st in each year commencing with 1984 and shall bear interest from date as follows:

NUMBER	AMOUNT	MATURITY	INTEREST RATE
1	$5,000.00	December 1, 1984	11%
2	5,000.00	December 1, 1984	11%
3	5,000.00	December 1, 1984	11%
4	5,000.00	December 1, 1985	11%
5	5,000.00	December 1, 1985	11%
6	5,000.00	December 1, 1985	11%
7	5,000.00	December 1, 1986	11%
8	5,000.00	December 1, 1986	11%
9	5,000.00	December 1, 1986	11%
10	5,000.00	December 1, 1987	11%
11	5,000.00	December 1, 1987	11%
12	5,000.00	December 1, 1987	11%
13	5,000.00	December 1, 1988	11%
14	5,000.00	December 1, 1988	11%
15	5,000.00	December 1, 1988	11%
16	5,000.00	December 1, 1989	11%
17	5,000.00	December 1, 1989	11%
18	5,000.00	December 1, 1990	11%
19	5,000.00	December 1, 1990	11%
20	5,000.00	December 1, 1991	11%
21	5,000.00	December 1, 1991	11%
22	5,000.00	December 1, 1992	11%

23	5,000.00	December 1, 1992	11%
24	5,000.00	December 1, 1993	11%
25	5,000.00	December 1, 1993	11%

The Bonds shall bear interest from date semi-annually on June 1 and December 1 in each year commencing June 1, 1983.

The Bonds and the interest coupons to be attached thereto shall be payable in lawful money of the United States of America at the Farmers National Bank, Agra, 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 and Payment of Bonds Prior to Maturity. The Bonds shall be subject to redemption and payment prior the stated maturity thereof, after the notice specified in Section 5 of this Ordinance, as follows:

A. Each of the Bonds maturing in the year 1988 and thereafter is also subject to redemption and payment at the option of the City upon instructions from the Tenant on December 1, 1988, and on any interest payment date thereafter, at the principal amount thereof plus accrued interest thereon to the date of redemption and payment, together with a premium of two percent (2%) of the principal amount of Bonds so called for redemption and payment. Bonds to be redeemed and paid pursuant to this paragraph shall be redeemed in inverse numerical order.

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 Tenant or the Fiscal Agent by United States registered mail to the Paying Agent herein designated and to the original purchaser of the Bonds, such notice to be mailed to the original purchaser of the 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 given by mail in the manner hereinbefore specified to any bondholder who files his name with the Fiscal Agent pursuant to Section 20 of this Ordinance, provided that the failure to give any notice by mail as herein specified shall not affect the validity of any such call for redemption Interest shall cease on any of the 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 Tenant, as long as the Tenant is not in default in the payment of Basic Rent due under the Lease.

Section 6. Unclaimed Principal and Interest Held by FIscal Agent. Any moneys deposited with the Fiscal Agent or the paying Agent for the payment of the principal of or interest on the Bonds and remaining unclaimed for six years after such principal and interest have become due shall be paid to the Tenant, and any bondholder entitled thereto shall thereafter, as an unsecured general creditor, look only to the Tenant for payment thereof, and all liability of the City, the Fiscal Agent or the Paying Agent with respect thereto shall cease; provided, however, that the Fiscal Agent and the Paying Agent, before being required to make

any such payment to the Tenant, may at the Tenant's expense cause to be published once in a publication of general circulation in Almena, Kansas, notice that such moneys remain unclaimed and that after a date specified therein, which shall not be less than 30 days after the date of such publication, any such unclaimed moneys then remaining will be paid to the Tenant.

Section 7. Method of Execution of Bonds. The Bonds shall be executed for and on behalf of the City by the facsimile signature of its Mayor and attested by the facsimile signature of its City Clerk, with the seal of the City affixed thereto or imprinted thereon. Interest coupons shall be attached to the bonds representing the interest to mature thereon, and said interest coupons shall bear the facsimile signatures of the Mayor and City Clerk of the City. The 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.

Section 8. Form of Bond. Each of the Bonds and interest coupons and the certificate attached thereto shall be in substantially the following form:

No._____ $_____

UNITED STATES OF AMERICA

STATE OF KANSAS
COUNTY OF NORTON
CITY OF ALMENA
INDUSTRIAL REVENUE BOND
SERIES 1, 1982

(KENSINGTON CABLE TV, INC.)

KNOWN ALL MEN BY THESE PRESENTS: That the City of Almena, in the County of Norton, 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 December, 1984, and to pay interest thereon from the date hereof at the rate of eleven percent (11%) per annum, payable June 1, 1983, and December 1, 1983 and semiannually on June 1 and December 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 signatures of the Mayor and City CLerk of said City as said coupons severally become due, both principal of and interest on this bond being payable at the office of the Fiscal Agent, the Farmers National Bank, Agra, Kansas.

THIS BOND is one of an authorizes series of twenty-five bonds of like date and tenor, except as to number, privilege of redemption and maturity, aggregating the principal amount of $5,000 numbered from 1 to 25 inclusive, each in the denomination of $5,000.00 authorized by Ordinance No. _____ of said City, issued for the purpose of providing funds to pay the costs of purchasing, constructing and equipping a Cable TV system sometimes referred to as the "Facility" to be leased to Kensington Cable TV, Inc. by the authority of

and in conformity with the provisions, restrictions and limitations of the Constitution and Statutes of the State of Kansas, including K.S.A. 12-1740 to 12-1749, inclusive, and all amendments thereof and acts supplemental thereto, and all other provisions of the laws of the said State applicable thereto and this bond and all interest thereon are to be paid by said City of Almena, Kansas, solely and only 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. Pursuant to the provisions of said statute, the governing body of the City has pledged said Facility and the net earnings therefrom to the payment of the series of bonds of which this bond is a part, and the interest and premium, if any, thereon. Reference is hereby made to the ordinance aforesaid and to said lease for a description of the covenants of the City with respect to the collection, segregation and application of the revenues of said Facility, the nature and extent of the security of said bonds, the right, duties and obligations of the City and of the Fiscal Agent with respect thereto.

At the option of the City, Bonds No. 13 to 25, inclusive, of this issue may be called for redemption and payment, in whole or in part, in inverse numerical order, on December 1, 1988, or any interest payment date thereafter at the par value thereof, plus accrued interest thereon to date fixed for redemption and payment. Notice of the City's intention to redeem and pay said bonds specifying the numbers of the bonds to be redeemed and paid, if less than all of said bonds be called for redemption and payment, shall be given by United States registered mail to the Fiscal Agent herein named, and to the original purchasers of the bonds, not less than thirty (30) days prior to the date fixed for redemption and payment and by one publication in the official City paper at least thirty (30) days before the date fixed for redemption and payment.

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 Almena, in the State of Kansas, by its governing body, has caused this bond to be signed by the facsimile signature of its Mayor and attested to the facsimile signature of its City Clerk, and its corporate seal to be hereto affixed and the interest coupons hereto attached to be signed with the facsimile signatures of said officers, and this bond to be dated this 1st day of December, 1982.

_____
MAYOR

ATTEST:

_____
CITY CLERK

(FORM OF COUPON)

Coupon NO._____)
(The first) Bond No.)
_____ interest coupon)
being payable(_____,)
19____(unless the bond to)
which) this coupon is attached)
shall have been previously)
called for redemption and)
payment duly provided for),)
the City of Almena,)
Kansas, will pay bearer,solely)
from the money and revenue)
received from the fees)
charged and rentals received)
from the use of facility)
described in the bond to which)
this coupon is attached, and)
not from any other fund or)
source, _____,)
in lawful money of the United)
States of America, at the)
office of the Fiscal Agent,)
_____)
_____, Kansas,)
being six month's interest of)
its Industrial Revenue Bonds,)
Series 1 of 1982, dated)
_____, 19____.)
No. _____)
_____)
Mayor)
Attest:)
_____)
City Clerk)
_____)

Bond No._____

_____, 19____

City of Almena
Kansas

INDUSTRIAL REVENUE BOND

Series 1 to 19_____

State of Kansas, _____ County, ss.

I, the undersigned, City Clerk of the City of Almena, Kansas, hereby certify that the within Industrial Revenue Bond, Series 1 of 25, of the City of Almena, Kansas, has been duly registered in my office according to law.

WITNESS my hand and official seal this _____ day of _____, 19_____.

Seal

_____
City Clerk

_____

_____

I, _____, do hereby certify that a transcript of proceedings leading up to the issuance of this bond has been filed in my office and that this bond and the coupon attached thereto were registered in my office, according to law this _____ day of _____, 19____.

WITNESS MY HAND and official seal.

SEAL

_____

Section 9. Execution and Delivery of the Bonds. Deposit of Bond Proceeds, Designation of Fiscal Agent. The Mayor and City Clerk are hereby authorized and directed to prepare and execute in the manner hereinbefore specified the Industrial Revenue Bonds, Series 1 of 1982, of the City herein authorized, and to deliver said bonds to the Farmers National Bank, Agra, Kansas, for delivery to the purchaser thereof, on payment of the purchase price of said bonds by said purchaser to said bank for the account of the City.

Section 10. Acquisition Fund. There is hereby authorized and ordered to be established in the hands of the Farmers National Bank of Agra, Kansas, hereby designated as the City's Fiscal Agent, and hereinafter referred to as the "Fiscal Agent", a separate fund or account, designated as - Kensington Cable TV, Inc. Acquisition Fund" hereinafter referred to as the "Acquisition Fund". The proceeds from the sale of said bonds, less any expenses incurred by said City in connection with the sale thereof, shall be deposited in said Acquisition Fund. Concurrently with the issuance of said bonds, the Fiscal Agent shall withdraw from said Acquisition Fund any accrued interest received by the said City, and shall deposit the same in "Kensington Cable TV, Inc., Principal and Interest Account" hereinafter created. The Fiscal Agent shall make disbursements from said Acquistition Fund to purchase, construct and equip the Facility as herein provided in accordance with the City's written instructions approved in writing by Kensington Cable TV, Inc.

Section 11. 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 Almena, Kansas, Principal and Interest Account for Industrial Development Revenue Bonds, Series 1, 1982, dated December 1, 1982", herein referred to as the "Principal and Interest Account". The City covenants and agrees that from and after the delivery of any of the Bonds, the City will maintain said Account with the Fiscal Agent.

All payments of Basic Rent and Additional rent due under the lease and all other moneys intended to pay the principal of and interest on the Bonds and the charges of the Fiscal Agent and Paying Agent shall be applied and allocated by the Fiscal Agent to Principal and Interest Account. All amounts credited to and deposited in the 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 the interest on the Bonds as and when the same become due or are called for redemption and payment, and for paying the charges of the Fiscal Agent and Paying Agent for acting hereunder. The Fiscal Agent shall make appropriate arrangements with and shall transmit funds to the Paying Agent to pay such principal and interest as the same become due and the charges of the Fiscal Agent and the Paying Agent herein referred to.

Section 12. Investments. Moneys in the Acquisition Fund shall be invested by the Fiscal agent in direct obligations of the United States of America, or agencies thereof, becoming due within twelve months from the date of purchase, or in certificates of deposit secured in accordance with the provisions of K.S.A. 9-1402. Moneys 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 Tenant, in direct obligations of the United States of America, or agencies thereof, or in certificates of deposit secured in accordance with the provisions of K.S.A. 9-1402 becoming due not later than one year. No investment shall be made pursuant to this Section for a period longer than the time the Fiscal Agent shall determine that said funds are not required for the purpose for which they are intended. All interest or income on investments held in any fund or account shall accrue to become a part of such fund or account so invested, and any losses suffered on investments held in any fund or account shall be charged to such fund or account. Whenever the Fiscal Agent determines that the cash balance in any fund or account is insufficient for the purposes of such fund or account, it shall sell and reduce to cash securities held in such fund or account until the cash balance is sufficient for such purposes. Any investments made by the Fiscal Agent pursuant to this Ordinance may be made through its own bond department.

Section 13. Covenant to Pay Principal and Interest on the Bonds. The City covenants that it will promptly pay, or cause to be paid, the principal of and interest and premium, if any, on the Bonds issued under this Ordinance, on the dates and in the manner provided herein and in the Bonds according to the true intent and meaning thereof. The principal and interest and premium, if any, are payable solely from the revenues received from the fees charged and rental received for the use of the Facility (except to the extent paid out of moneys attributable to Bond proceeds or the income from the temporary investment thereof and, under certain circumstances, condemnation awards and proceeds of insurance) and the Facility and the net earnings therefrom are pledged to the payment of the Bonds and the interest and premium, if any, thereon as provided in Section 3 hereof. The City further covenants that it will make or cause to be made, all other payments and deposits required under the provisions of this Ordinance from funds made available for such purposes under the Lease.

Section 14. Particular Covenants of the City. So long as any of the principal of and interest on any of the Bonds remain outstanding and unpaid or until provisions are made for the payment thereof, in accordance with Section 2 of this Ordinance, the City covenants with each of the holders and owners of the Bonds as follows:

(A) The City will use the proceeds of the bonds as soon as practicable and with all reasonable dispatch for the purpose for which the Bonds are issued as hereinbefore set forth.

(B) The City will comply fully with all the terms, provisions and conditions of the Lease which require performance by, or impose duties on, the City and it will not permit any default to occur on the part of the CIty; it will fully and promptly enforce all of the terms, provisions and conditions of the Lease which require performance by, or impose duties on, the Tenant, and in the event of the occurrence of a default, as defined in the Lease, will exercise all rights and remedies conferred by the Lease for the full and complete protection of the security and rights of the bondholders and, to the extent permitted by the Lease, will use its best efforts to procure a new tenant or

tenants for the leased property under provisions which will provide funds sufficient in amount to make the rental payments and other payments which the Tenant 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 sell the Facility at a price not less than the amount sufficient to pay the then outstanding Bonds plus interest then unpaid.

(C) The City will enforce collection of the rental payments, and other charges in the amounts and at the time set forth in the Lease and will not reduce or cause or permit to be reduced the rental payments and other charges fixed, established and required by the lease nor change 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, modification or termination of the lease, except as provided therein, which will in any manner affect adversely the rights, remedies or interest of the bondholders, not will it consent to any merger, consolidation, dissolution or liquidation by the Tenant, except to the extent provided in the Lease.

(E) Any purchase price of the Facility, any condemnation awards, or any insurance proceeds, any of which are received by the City pursuant to the termination of the Lease, or any other funds intended for the purpose of paying the Bonds will be used solely and exclusively to pay the Bonds 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 and the accrued interest thereon, and the charges of the Paying Agent and the Fiscal Agent for paying the same.

(F) The City will cause the Tenant to keep constantly insured all buildings and improvements and machinery and equipment form time to time constituting a part of the property leased to the Tenant in the manner provided for by the Lease. 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 the Lease.

(G) The City will cause the Fiscal Agent to maintain adequate records and accounts relating to the Facility, separate and apart from all other records or accounts of the City or the Fiscal Agent, which records and accounts shall be maintained in accordance with generally accepted principles of trust accounting and shall

include complete details of all financial transactions related to the Bonds authorized herein and the leased property. Such records and accounts shall be specifically designed and maintained to show whether or not the provisions of this 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 Tenant or any of the holders of the Bonds authorized herein during the regular business hours of the Fiscal Agent.

Section 15. Reserve. There shall be credited to and deposited in a Bond Reserve Account any residue remaining of the principal amount of said Bonds not required for construction, interest and other payments herein required to be invested in the same manner as other accounts above referred to and there shall be deposited in said Reserve Account the sum of $100.00 per month until the balance in said Reserve Accounts amounts to $10,000.00. All amounts credited to and deposited in said Bond Reserve Account shall be expended and used by the Fiscal Agent solely to prevent any default in the payment of interest on or principal of the revenue bonds of this series dated December 1, 1982 herein authorized, if the moneys in the Principal and Interest Account in the hands of the said Fiscal Agent are insufficient to pay said principal or interest on said bonds as and when the same become due. After said payments into said Bond Reserve Account aggregate the sum of $10,000.00 the Fiscal Agent shall not be required to make further deposits into said account,but if the Fiscal Agent shall ever be compelled to use and expend any part of said Bond Reserve Account for the purpose of paying the interest on or principal of the revenue bonds herein authorized, and such expenditure shall reduce the amount of said Bone Reserve Account below the sum of $10,000.00, then the Fiscal Agent shall, after making all deposits or credits at the time required to be made under the provision of paragraph (12) hereof, shall thereafter credit to and deposit in said Bond Reserve Account the remaining monthly rental payments until said Bond Reserve Account aggregates $10,000.00. Said Bond Reserve Account may be used by the Fiscal Agent upon instruction by said City for the purpose of redeeming and paying the revenue bonds herein authorized prior to their ultimate maturity, provided all of such outstanding bonds are called for payment and funds are available to pay the same according to their terms, and said Bond Reserve Account may also be used for the purpose of paying a like amount of final maturing bonds of this issue.

Section 16. Payment of Accumulated Moneys. When moneys accumulated in said Principal and Interest Account and in said Bond Reserve Account, shall aggregate an amount sufficient to pay the principal of all of said revenue bonds then outstanding, together with all interest thereon, the City may proceed to give notice of such redemption in the manner herein specified, and the Fiscal Agent shall apply the necessary funds out of the said Principal and Interest Account and said Bond Reserve Account to redeem and pay said bonds. Any balance in said accounts not required for said purpose shall be returned to Kensington Cable TV, Inc.

Section 17. Amendments. The provisions of the Bonds and the provisions of this Ordinance may be modified or amended at any time by the City with the written consent of the Tenant (if it is not in default under the Lease) and the holders of not less than Sixty-six and two-thirds (66 2/3%)

in aggregate principal amount of the Bonds at the time outstanding, provided that no such modification or amendment shall permit or be construed as permitting: (a) the modification of any duties or responsibilities of the Fiscal Agent or the Paying Agent unless it consents thereto, (b) the extension of the maturity of the principal of any of the Bonds or the extension of the maturity of the interest on any Bonds, (c) a reduction in the principal amount of any of the 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 or of this Ordinance (other than those referred to in (a) above), may, however, be modified or amended in any respect with the written consent of the Tenant (if it is not then in default under the Lease) and the holders of all of the bonds then outstanding. Amendments to this Ordinance which, in the opinion of the City, correct omissions or ambiguities or which add to the security of the bondholders may be made by the City when agreed to by the Tenant. Every amendment or modification of a provision of the Bonds or of this Ordinance shall be expressed in an ordinance of the City amending or supplementing the provisions of this Ordinance and shall be deemed to be part of this Ordinance. It shall not be necessary to note on any of the outstanding Bonds any reference to such amendment or reference to such amendment or modification, if any. Upon payment of the reasonable cost of preparing the same, a certified copy of every such amendatory or supplemental ordinance, if any, and a certified copy of this Ordinance will be sent by the City Clerk to any bondholder or prospective bondholder requesting the same.

The Lease may be amended by the City and the Tenant, except as to rent or certain other matters which may be made only with the consent of a specified percentage of the holders of the then outstanding Bonds, as provided therein.

Section 18. Enforcement. The provisions of this Ordinance shall constitute a contract between the City and the holders of the 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 per cent (25%) of the principal amount of Bonds then outstanding may sue in any action, in mandamus, injunction or other proceedings, either at law or in equity, to enforce or compel performance of all duties and obligations required by this Ordinance to be done or performed by the City or the Tenant. Nothing contained in this Ordinance shall, however, be construed to impose on the City any duty or obligation to levy any taxes either to meet any obligation contained herein or to pay the principal of or interest on the Bonds.

Section 19. Acceleration of Maturity in Event of Default. In the Event the principal of or interest on the BOnds is not paid according to the terms thereof, either on maturity or upon call for redemption, then the holders of twenty-five percent (25%) of the principal amount of Bonds then outstanding may, by written notice given to the Mayor or City Clerk, declare the principal of all of the Bonds then outstanding to be due and payable immediately, and upon such declaration given as aforesaid, all of the Bonds shall be immediately due and payable, anything in the Bonds or this Ordinance contained to the contrary notwithstanding. This provision, however, is subject to the condition that if at any time thereafter, all arrears of interest, except

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 recission or annulment shall extend to or affect any subsequent default or impair any rights consequent thereto.

Section 20. List of Bondholders. To the extent that such information shall be made known to the City under the terms of this Section, it will keep on file at the principal office of the Fiscal Agent a list of the names and addresses of the last known holders of the Bonds. 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 of Bonds held by such holder and the number 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 Tenant or by the holders and/or owners (or a designated representative thereof) of twenty-five percent (25%) or more in 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 21. Provisions Relating to the Fiscal Agent. (A) Prior to the receipt of the bond proceeds pursuant to the provisions of Section 9 hereof, 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 the Lease.

(C) All resolutions, opinions, certificates and other instruments referred to or provided for herein or in the Lease may be accepted by the Fiscal Agent as conclusive evidence of the facts, 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 Tenant.

(E) No provision 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 shall have the right to buy, sell, own, deal or trade in the Bonds or the coupons relating thereto without giving notice thereof to the City, or the Tenant or any bondholder and without incurring any liability whatsoever with respect thereto.

(G) The Fiscal Agent may resign by an instrument in writing delivered to the City and the Tenant to take effect not sooner than ninety (90) days after its delivery, whereupon the City, with the consent of the Tenant, shall immediately, in writing, designate a successor fiscal agent. Such successor fiscal agent shall be subject to the same duties and obligations and shall have the same rights, privileges and immunities specified in this Ordinance and in the Lease for the Fiscal Agent. Any such successor fiscal agent shall file an acceptance in the form referred to in Subsection (A) hereof with the City Clerk within ten (10) days of its appointment.

(H) 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 Tenant as Additional Rent as specified in Article 11 of the Lease.

(I) The Fiscal Agent shall have the right to continue, or to enter into, banking relationships with the Tenant, with the City, and with any corporation, all or any part of the stock of which is owned by the Tenant or the City, including, without limitation, the acceptance of deposits of funds from or the making of secured or unsecured loans to the Tenant or the City and any such corporation, without giving either notice thereof or notice of any information concerning the Tenant or the City of any such corporation which comes to the attention of the Fiscal Agent as result thereof, to the City or to any bondholder, and the Fiscal Agent shall not incur any liability whatsoever to the City or to any bondholder as a result thereof, or as a result of the collection or other enforcement by the Fiscal Agent of its rights with respect to any such transaction.

Section 22. Payments due on Sundays and Holidays. In any case where the date of maturity of interest on or principal of the Bonds or the date fixed for redemption of any Bonds shall be a Sunday or a legal holiday or a day on which banking institutions are authorized by law to close then payment of interest or principal need not be made on such date but may be made on the next succeeding business day not a Sunday or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as it made on the date of maturity or the date fixed for redemption, and no interest shall accrue on the amount being paid for the period after such date.

Section 23. Authorization of Lease. The Facility shall be leased to the Tenant under and pursuant to a Lease dated as of December 1, 1982, substantially in the form attached to this Ordinance and marked Exhibit "A", which

Lease (with such corrections and changes therein as the officers executing the same deem appropriate) the Mayor and City Clerk are hereby authorized and directed to execute for and on behalf of and as the act and deed of the City.

Section 24. Approval of Guaranty Agreement. The Guaranty Agreement dated as of December 1, 1982, pursuant to which the Tenant unconditionally guarantees to the Fiscal Agent for the benefit of the bondholders, the payment of the principal of and interest on the bonds in hereby approved in the form attached to this Ordinance and marked Exhibit "B", which Guaranty Agreement the Fiscal Agent is authorized to accept. The Fiscal Agent shall enforce the Guaranty Agreement for the benefit and protection of the holders of the Bonds as long as the Bonds remain outstanding and unpaid and prevent any default or prospective default in the payment of the Bonds or the interest thereon at the stated maturity thereof or the redemption, as the case may be, or in the observance of any covenant, agreement or undertaking contained in the Guaranty Agreement. The Fiscal Agent shall not permit or consent to any change, amendment, modification or termination of the Guaranty Agreement except to the extent provided therein.

Section 25. Severability. If any one or more of the covenants agreements or provisions of this Ordinance, or all 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 of the Lease.

Section 26. Agreements of the City. All covenants, stipulations, and obligations of the City contained in this Ordinance and the Lease shall be deemed to be the covenants, stipulations, obligations and agreements of the City to the full extent authorized or permitted by law, and all such covenants stipulations, obligations and agreements shall be binding upon the City and its successors from time to time and upon any board, body or agency to which any powers or duties affecting such covenants, stipulations, obligations and agreements shall be transferred by or in accordance with law. Except as otherwise provided in this Ordinance, all rights, powers and privileges conferred and duties and liabilities imposed upon the City or any officials thereof by the provisions of this Ordinance or the Lease shall be exercised or performed by the City or by such officers as may be required by law to exercise such powers and to perform such duties. No covenant, stipulation, obligation or agreement herein contained or contained in the Lease shall be deemed to be a covenant, stipulation, obligation or agreement of any official, officer, agent or employee of the City in his individual capacity, and neither the officials of the CIty nor any officer executing the Bonds shall be liable personally on the Bonds or by such for any personal liability or accountability by reason of the issuance thereof.

Section 27. Conveyance of Facility. Upon receipt by the City of the purchase price of all or any part of the property subject to the Lease, title to said property shall be transferred and conveyed to the Tenant as provided in the

Lease, and the Mayor conveyed to the Tenant as provided in the Lease, and the Mayor and other appropriate officers of said City are hereby authorized and directed to execute such deeds, bills of sale and other instruments as may be necessary to effect such conveyance and transfer.

Section 28. Performance of Acts. All acts, conditions and things required by the Constitution and laws of the State of Kansas, relating to the enactment of this Ordinance, to the issuance of the Bonds, to the execution of the Lease, and to the approval of the Guaranty Agreement, to happen, exist and be performed precedent to and in the enactment of this Ordinance, precedent to the issuance of the Bonds, precedent to the execution of the Lease and precedent to approval of the Guaranty Agreement have happened, exist and have been performed as so required by law.

Section 29. Further Authority. The officials of the City, and the attorneys, engineers and other agents or employees of the City are hereby authorized to do all acts and things required of them by this Ordinance and the Lease for the full, punctual and complete performance of all of the terms, covenants and agreements contained in the Bonds, the Lease and this Ordinance.

Section 30. 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 Almena, Kansas, this 18th day of October, 1982.

Blake D. Hempler - Acting Mayor
Mayor

ATTEST:

Lela Baer
City Clerk

ORDINANCE NO. 348

AN ORDINANCE DESIGNATING THE PUBLIC OFFICER FOR THE PURPOSE OF ADMINISTERING THE PROVISIONS OF ORDINANCE NO. 317 OF THE CITY OF ALMENA, KANSAS, TO CAUSE THE REPAIR, CLOSING, DEMOLITION OR REMOVAL OF STRUCTURES UNFIT FOR HUMAN USE OR HABITATION.

Be It Ordained by the Governing Body of the City of Almena, Kansas:

Section 1: That the Almena City Building Inspector is hereby designated as the public officer of Almena, Kansas, and charged with administration of the provisions of Ordinance No. 317, the same being an ordinance to cause the repair, closing, demolition or removal of structures unfit for human use or habitation.

That this ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed and adopted by the City Council of the City of Almena, Kansas, this 14TH day of February, 1983.

Blake D Hayden Acting Mayor
Mayor

Attest:

Leta Baer
City Clerk

AFFIDAVIT OF PUBLICATION

State of Kansas, Norton County, ss

MRS. Robert T. Moody, being first duly sworn, deposes and says: That he is publisher of The Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 17 day of February, 1983, with subsequent publications being made on the following dates:

....., 19.....

....., 19.....

Mrs. Robert T. Moody

Subscribed and sworn to before me this 17 day of FEB, 1983.

Kenneth D. Chandler
Notary Public

My commission expires Oct. 28, 1984.

Printer's fee $ 10.14

Additional copies $ .....

(Published in the Almena Plaindealer February 17, 1983)

ORDINANCE NO. 348

AN ORDINANCE DESIGNATING THE PUBLIC OFFICER FOR THE PURPOSE OF ADMINISTERING THE PROVISIONS OF ORDINANCE NO. 317 OF THE CITY OF ALMENA, KANSAS, TO CAUSE THE REPAIR, CLOSING, DEMOLITION OR REMOVAL OF STRUCTURES UNFIT FOR HUMAN USE OR HABITATION.

Be It Ordained by the Governing Body of the City of Almena, Kansas:

Section 1: That the Almena City Building Inspector is hereby designated as the public officer of Almena, Kansas, and charged with administration of the provisions of Ordinance No. 317, the same being an ordinance to cause the repair, closing, demolition or removal of structures unfit for human use or habitation.

That this ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Passed and adopted by the City Council of the City of Almena, Kansas, this 14th day of February, 1983.

BLAKE HEMPLER
Acting Mayor

Attest:
LETA BAER
City Clerk

ORDINANCE NO. 353

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF ALMENA, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF 1985, PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NUMBERED 319.

Be it ordained by the governing body of the City of Almena:

SECTION 1. Incorporating Standard Traffic Ordinance. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Almena, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 1985, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. Not less than three (3) copies of the Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 353," 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 the Standard Traffic Ordinance similarly marked, as may be deemed expedient.

SECTION 2. Penalty for Scheduled Fines. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than $5.00 nor more than $500.00. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed $500.00.

SECTION 3. Ordinance Numbered 319 is repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its publication in The Almena Plaindealer, the official city newspaper.

Passed by the Council the 4th day of March, 1985.

Signed by the Mayor this 4th day of March, 1985.

Blake Hempler

Blake Hempler, Mayor
The City of Almena, Kansas

ATTEST:

Leta Baer

City Clerk

AFFIDAVIT OF PUBLICATION

Helmi E. Moody, being first duly sworn, deposes and says: That she is publisher of the Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 14 day of March, 19 85, with subsequent publications being made on the following dates:

....., 19.....

....., 19.....

Helmi E. Moody

Subscribed and sworn to before my this 14th day or March, 19 85

Marvin L. Wendel

Notary Public

My commission expires 9/25/86

MARVIN L. WENDEL
NOTARY PUBLIC
State of Kansas
My Appointment Expires:

Printer's fee $.....

Additional copies $.....

(Published in the Almena Plaindealer March 14, 1985)

ORDINANCE NO. 353

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF ALMENA, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF 1985, PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NUMBERED 319.

Be it ordained by the governing body of the City of Almena:

SECTION 1. Incorporating Standard Traffic Ordinance. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Almena, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 1985, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. Not less than three (3) copies of the Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 353," and to which shall be attached a copy of this ordinance, and filed with the city clerk to be upon 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 the Standard Traffic Ordinance similarly marked, as may be deemed expedient.

SECTION 2. Penalty for Scheduled Fines. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than $5.00 nor more than $500.00. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed $500.00.

SECTION 3. Ordinance Numbered 319 is repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its publication in The Almena Plaindealer, the official city newspaper.

Passed by the Council the 4th day of March, 1985.

Signed by the Mayor this 4th day of March, 1985.

Blake Hempler, Mayor

The City of Almena, Kansas

ATTEST:

Leta Baer

City Clerk

ORDINANCE NO. 354

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

SECTION 1. The Building Official hereby has these added responsibilities and is authorized and directed to enforce all the provisions of this Ordinance and all other Ordinances of the City of Almena, Kansas now in force or hereafter adopted, relating to zoning, sub-division or building codes.

SECTION 2. The Building Official shall be appointed to these additional responsibilities by resolution of the Governing Body and his/her appointment shall continue during good behavior and satisfactory service. During temporary absence of disability of the Building Official, the Governing Body of the City shall designate an acting enforcement official.

SECTION 3. The Governing Body of the City of Almena, Kansas hereby designates the current Flood Hazard Boundary Map/Flood Insurance Rate Map, and amendments, as the official map to be used in determining those areas of special flood hazard.

SECTION 4. Permits Required: No person, firm or corporation shall erect, construct, enlarge or improve any building or structure in the City or cause the same to be done without first obtaining a separate development permit for each building or structure.

a. Within Zone(s) A on the official map, separate development permits are required for all new construction, substantial improvements and other developments, including the placement of mobile homes.

b. Application: To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use or occupancy for which the proposed work is intended.

4. Be accompanied by plans and specifications for proposed construction.

5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

6. Within designated flood prone areas, be accompanied by elevations (in relation to mean sea level) of the lowest floor (including basement or in the case of floodproofed non-residential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the Building Official.

7. Give such other information as reasonably may be required by the Building Official.

SECTION 5. The Building Official shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law.

SECTION 6. The Building Official, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of mobile homes and other development(s) (as defined in Section 11 of this Ordinance) will:

a. Obtain review and reasonably utilize, if available any regulatory flood elevation date from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the official map that the following performance standards be met:

(1) Residential Construction: New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

(2) Non-residential Construction: New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be flood proofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the local enforcement official.

b. Require the use of construction materials and utility equipment that are resistant to flood damage.

c. Require the use of construction methods and practices that will minimize flood damage.

d. Be designed or anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.

e. Assure that in regard to mobile homes, specific anchoring requirements are:

(1) Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side.

(2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side.

(3) All components of the anchoring system be capable of carrying a force of 4,800 pounds.

(4) Any additions to mobile homes be similarly anchored.

FLOODPROOFING - Any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

MOBILE HOME - A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

MOBILE HOME PARK (SUBDIVISION) - "Mobile Home Subdivision" means a parcel (or contiguous parcels) of land which has been divided into two or more lots for rent or sale and the placement of mobile homes.

REGULATORY FLOOD ELEVATION - The water surface elevation of the 100-year flood.

STRUCTURE - A walled and roofed structure, including a gas or liquid storage tank that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, mobile homes and other similar uses.

SUBSTANTIAL IMPROVEMENT - "Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations as well as structures listed in National or State Registers of historic places.

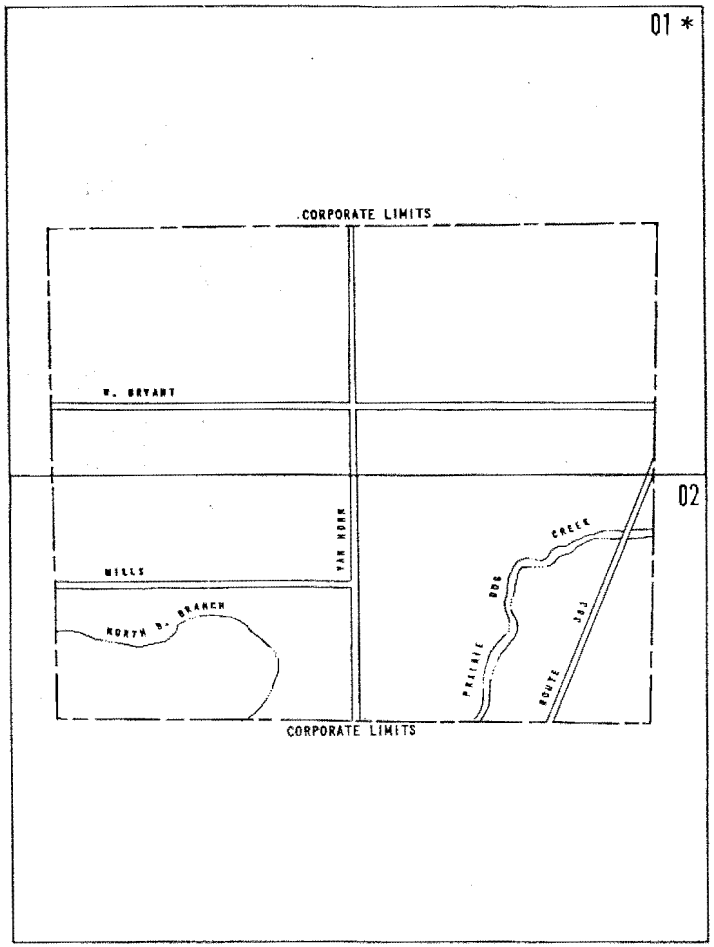
100-YEAR FLOOD - The condition of flooding having a one percent chance of annual occurrence.

ADOPTED AND PASSED by the Governing Body of the City of Almena, Kansas this 8th day of April, 1985.

Blake G. Hempler, Mayor

ATTEST:

City Clerk



*NOT PRINTED (NO SPECIAL FLOOD HAZARD AREA)
MAP REVISED 11/7/75 ; SHOW CURVILINEAR BOUNDARY, ADD SFHA, REDUCE SFHA.

LEGEND

SPECIAL FLOOD HAZARD AREA WITH DATE OF IDENTIFICATION ie., 12/2/73

ZONE A
DATE

Note: These maps may not include all Special Flood Hazard Areas in the community. After a more detailed study, the Special Flood Hazard Areas shown on these maps may be modified, and other areas added.

CONSULT NFIA SERVICING COMPANY OR LOCAL INSURANCE AGENT OR BROKER TO DETERMINE IF PROPERTIES IN THIS COMMUNITY ARE ELIGIBLE FOR FLOOD INSURANCE.

INITIAL IDENTIFICATION DATE:

MARCH 1, 1974

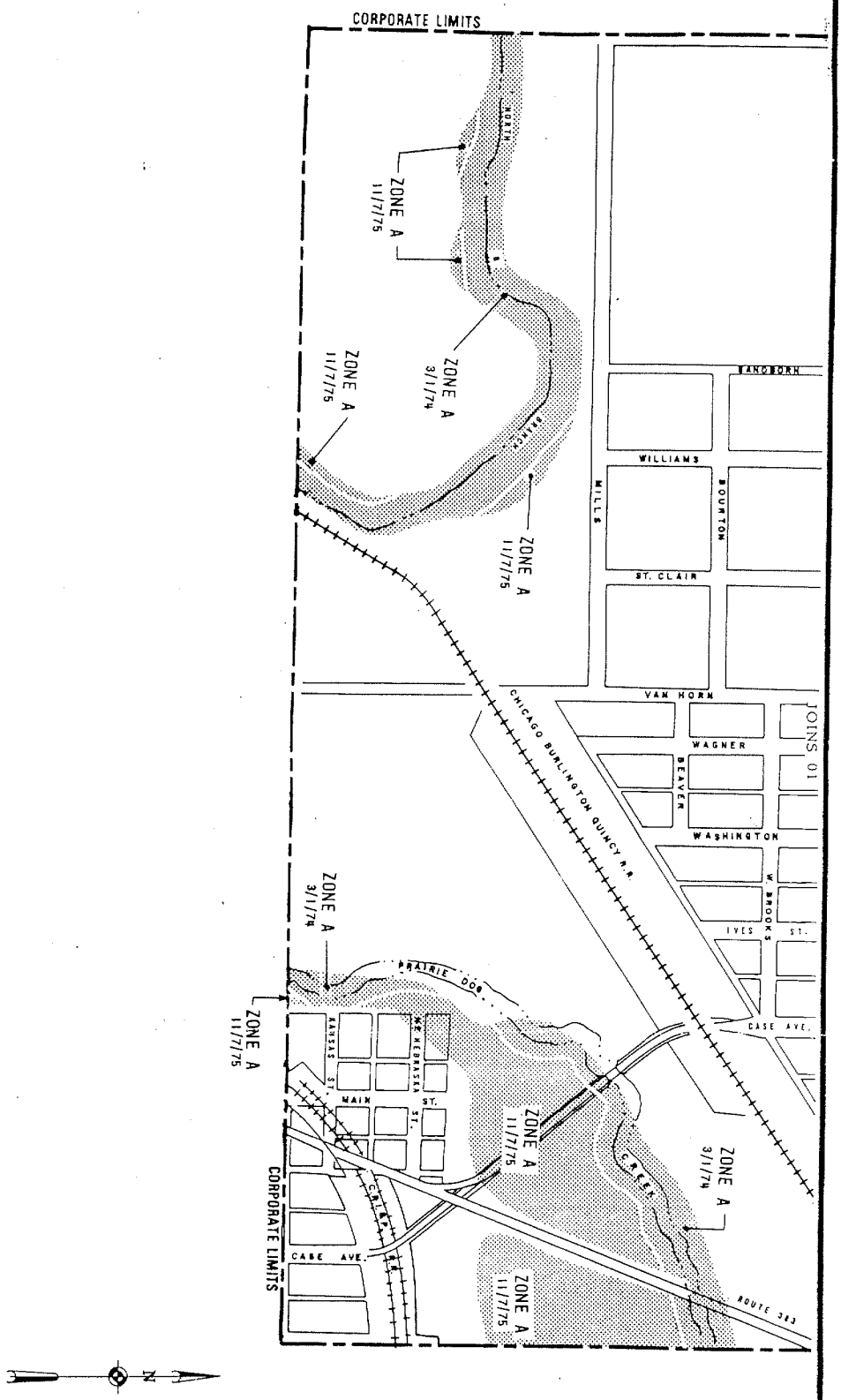
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Federal Insurance Administration

FLOOD HAZARD BOUNDARY MAP H - 01-02

MAP INDEX

CITY OF ALMENA, KS
(NORTON CO.)

COMMUNITY NO. 200245A



02	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT Federal Insurance Administration CITY OF ALMENA, KS (NORTON CO.)	APPROXIMATE SCALE 250 0 500 1000 1500 FEET	
		FIA FLOOD HAZARD BOUNDARY MAP No. H 02	MAP REVISED: 11/7/75

AFFIDAVIT OF PUBLICATION

Helmi E. Moody, being first duly sworn, deposes and says: That she is publisher of the Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 25 day of April, 19 85, with subsequent publications being made on the following dates:

....., 19.....

....., 19.....

Helmi E. Moody

Kenneth D. Chandler
NOTARY PUBLIC
State of Kansas
My Commission Expires

Subscribed and sworn to before my this 25 day of APRIL 1985

Kenneth D. Chandler
Notary Public

My commission expires 10-28-88

Printer's fee $.....

Additional copies $.....

(Published in the Almena Plaindealer April 25, 1985)

ORDINANCE NO. 354

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

SECTION 1. The Building Official hereby has these added responsibilities and is authorized and directed to enforce all the provisions of this Ordinance and all other Ordinances of the City of Almena, Kansas now in force or hereafter adopted, relating to zoning, sub-division or building codes.

SECTION 2. The Building Official shall be appointed to these additional responsibilities by resolution of the Governing Body and his/her appointment shall continue during good behavior and satisfactory service. During temporary absence of disability of the Building Official, the Governing Body of the City shall designate an acting enforcement official.

SECTION 3. The Governing Body of the City of Almena, Kansas hereby designates the current Flood Hazard Boundary Map/Flood Insurance Rate Map, and amendments, as the official map to be used in determining those areas of special flood hazard.

SECTION 4. Permits Required: No person, firm or corporation shall erect, construct, enlarge or improve any building or structure in the City or cause the same to be done without first obtaining a separate development permit for each building or structure.

a. Within Zone(s) A in the official map, separate development permits are required for all new construction, substantial improvements and other developments, including the placement of mobile homes.

b. Application: To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use or occupancy for which the proposed work is intended.

4. Be accompanied by plans and specifications for proposed construction.

5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

6. Within designated flood prone areas, be accompanied by elevations (in relation to mean sea level) of the lowest floor (including basement or in the case of flood-proofed non-residential structures the elevation to which it has been flood-proofed. Documentation or certification of such elevations will be maintained by the Building Official.

7. Give such other information as reasonably may be requiredd by the Building Official.

SECTION 5. The Building Official shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law.

SECTION 6. The Building Official, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of mobile homes and other development(s) (as defined in Section 11 of this Ordinance) will:

a. Obtain review and reasonably utilize, if available any regulatory flood elevation data from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the official map that the following performance standards be met:

(1) Residential Construction: New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

(2) Non-residential Construction: New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities be flood proofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards subsection are satisfied certification shall be pr to the local enforcem ficial.

b. Require the use o struction materials and equipment that are resis flood damage.

c. Require the use of struction methods and tices that will minimize damage.

d. Be designed and a to prevent the flotation lapse or lateral movemen structure or portions structure due to flooding

e. Assure that in re mobile homes, specific ing requirements are:

(1) Over-the-top provided at each of t corners of the mobi with two additional side at the intermedia tions and mobile hom than 50 feet long one additional tie per

(2) Frame ties be at each corner of th with five additional sides at intermediate and mobile homes le 50 feet long requir additional ties per sid

(3) All components anchoring system be of carrying a force pounds.

(4) Any additions home be similarly a

SECTION 7. The G Body of the City shal all subdivision applicat shall make findings of assure that:

a. All such proposa lopments are consiste the need to minimize fl age.

b. Subdivision propo other new development than five (5) acres of l lots, whichever is lesse within such proposals tory flood elevation areas designated Zone

c. Adequate drainag vided so as to reduce to flood hazards.

d. All public utili facilities are located minimize or elimina damage.

SECTION 8. New W Sewer, etc. — New and ment water and sewe shall be constructed to or minimize infiltratio discharge into flo Moreover, on-site was al systems will be de avoid impairment or ation during flooding.

SECTION 9. The Cody of the City will i the flood carrying within the altered or portion of any water maintained. The City fy, in riverine situati cent communities and Coordinating Office pr alteration or relocati watercourse, and subm of such notifications Federal Emergency ment Agency. More City will work with o State and Federal a

and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use or occupancy for which the proposed work is intended.

4. Be accompanied by plans and specifications for proposed construction.

5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

6. Within designated flood prone areas, be accompanied by elevations (in relation to mean sea level) of the lowest floor (including basement) or in the case of floodproofed non-residential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the Building Official.

7. Give such other information as reasonably may be requiredd by the Building Official.

SECTION 5. The Building Official shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law.

SECTION 6. The Building Official, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of mobile homes and other development(s) (as defined in Section 11 of this Ordinance) will:

a. Obtain review and reasonably utilize, if available any regulatory flood elevation data from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the official map that the following performance standards be met:

(1) Residential Construction: New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

(2) Non-residential Construction: New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities be flood proofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfield. Such certification shall be provided to the local enforcement official.

b. Require the use of construction materials and utility equipment that are resistant to flood damage.

c. Require the use of construction methods and practices that will minimize flood damage.

d. Be designed and anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.

e. Assure that in regard to mobile homes, specific anchoring requirements are:

(1) Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at the intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side.

(2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side.

(3) All components of the anchoring system be capable of carrying a force of 4,800 pounds.

(4) Any additions to mobile home be similarly anchored.

SECTION 7. The Governing Body of the City shall review all subdivision applications and shall make findings of fact and assure that:

a. All such proposed developments are consistent with the need to minimize flood damage,

b. Subdivision proposals and other new development greater than five (5) acres of fifty (50) lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated Zone A.

c. Adequate drainage is provided so as to reduce exposure to flood hazards.

d. All public utilities and facilities are located so as to minimize or eliminate flood damage.

SECTION 8. New Water and Sewer, etc. — New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by, or discharge into floodwaters. Moveover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

SECTION 9. The Governing Body of the City will insure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained. The City will notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the City will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.

SECTION 10. This Ordinance shall take precedence over conflicting Ordinances or parts of Ordinances. The Governing Body of the City of Almena, Kansas may, from time to time, amend this Ordinance to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Ordinance are in compliance with the National Flood Insurance Program Regulation as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976, redesignated at 44 FR 31177, May 31, 1979.

SECTION 11. Definition: Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

AREAS OF SPECIAL FLOOD HAZARD — The land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on the official map.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FLOOD — A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual rapid accumulation of run-off or surface waters from any source.

FLOODPROOFING — Any combination of structural and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

MOBILE HOME — A structure, transportable in one or more sections, which is built on a permanent chasiss and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

MOBILE HOME PARK (SUBDIVISION) — "Mobile Home Subdivision" means a parcel (or contiguous parcels) of land which has been divided into two or more lots for rent or sale and the placement of mobile homes.

REGULATORY FLOOD ELEVATION — The water surface elevation of the 100-year flood.

STRUCTURE — A walled and roofed structure, including a gas or liquid storage tank that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, mobile homes and other similar uses.

SUBSTANTIAL IMPROVEMENT — "Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations as well as structures listed in National or State Registers of historic places.

100-YEAR FLOOD — The condition of flooding having a one percent chance of annual occurence.

ADOPTED AND PASSED by the Governing Body of the City of Almena, Kansas this 8th day of April, 1986.

Blake G. Hempler, Mayor

ATTEST:
Leta Baer
City Clerk

ORDINANCE NO. 355

AN ORDINANCE RE-ESTABLISHING CHARGES FOR SOLID WASTE COLLECTION AND DISPOSAL, AND AMENDING ORDINANCE NO. 343

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

SECTION 1. That Section 10 of Ordinance 343 of the City of Almena, Kansas is amended in all respects to read as follows:

The city in providing the service of collection and disposing of all solid waste and refuse accumulated within the city for the purpose of preventing unsanitary, unsightly, hazardous, unhealthy and dangerous conditions caused by the accumulation of garbage and trash, shall establish and collect a service charge or fee to defray the costs and maintenance of a solid waste management system and pay to any person contracting with the city for the collection and disposal of refuse, the fees and charges provided by the contract for collections and disposal thereof. Such service charges and fees shall be computed, based and charged to the owners or occupants of dwelling units, commercial establishments, enterprises or other undertakings as nearly as practicable upon the basis of volume or time expended in the collection and disposal thereof.

The following schedule of charges is hereby established as reasonable and in accordance with the volume of refuse handled from the following classifications of residences, dwellings, commercial establishments, enterprises or other undertakings, to wit:

A. For each single-family dwelling or each unit of a multiple-family dwelling containing three or less dwelling units, $6.00 per month for each dwelling unit.

B. For each commercial establishment and each multiple-family dwelling containing more than three dwelling units, monthly charges shall be made in accordance with a schedule prepared from time to time by the City Sanitarian and approved by the Governing Body of the City of Almena, which schedules shall be based upon volume of refuse or the time expended in collection and disposal thereof.

C. Mobile Home Courts shall be charged fees to be established in the same manner and at the same rate as commercial establishments; however, where each mobile home is serviced individually, the normal residential charge of $6.00 per month shall apply.

D. All owners or occupants of dwelling units, private enterprises and undertakings, other than commercial establishments, not utilizing the city's collection service, shall pay a charge of $2.20 per month for the city's cost of maintaining a solid waste management system.

E. All commercial establishments not utilizing the city's collection service shall pay a charge of $3.70 for the city's cost of maintaining a solid waste management system.

SECTION 2. Section 10 of Ordinance No. 343 of the City of Almena, Kansas is hereby repealed.

SECTION 3. This ordinance shall take effect from and after the date of its publication in the official city newspaper.

PASSED, ADOPTED AND APPROVED this 8th day of April, 1985, by the Governing Body of the City of Almena, Kansas.

Mayor

ATTEST:

City Clerk

AFFIDAVIT OF PUBLICATION

Helmi E. Moody, being first duly sworn, deposes and says: That she is publisher of the Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 2nd day of May, 19 85, with subsequent publications being made on the following dates:

....., 19....

....., 19....

Helmi E. Moody

Subscribed and sworn to before my this 2nd day or May, 19 85.

Marvin L. Wendel

Notary Public

My commission expires 9-25-86

MARVIN L. WENDEL
NOTARY PUBLIC
State of Kansas
My Appointment Expires:

Printer's fee $.....

Additional copies $.....

(Published in the Almena Plaindealer May 2, 1985)

ORDINANCE NO. 355

AN ORDINANCE RE-ESTABLISHING CHARGES FOR SOLID WASTE COLLECTION AND DISPOSAL, AND AMENDING ORDINANCE NO. 343.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

SECTION 1. That Section 10 of Ordinance 343 of the City of Almena, Kansas is amended in all respects to read as follows:

The city in providing the service of collection and disposing of all solid waste and refuse accumulated within the city for the purpose of preventing unsanitary, unsightly, hazardous, unhealthy and dangerous conditions caused by the accumulation of garbage and trash, shall establish and collect a service charge or fee to defray the costs and maintenance of a solid waste management system and pay to any person contracting with the city for the collection and disposal of refuse, the fees and charges provided by the contract for collections and disposal thereof. Such service charges and fees shall be computed, based and changed to the owners or occupants of dwelling units, commercial establishments, enterprises or other undertakings as nearly as practicable upon the basis of volume or time expended in the collection and disposal thereof.

The following schedule of charges is hereby established as reasonable and in accordance with the volume of refuse handled from the following classifications of residences, dwellings, commercial establishments, enterprises or other undertakings, to wit:

A. For each single-family dwelling or each unit of a multiple-family dwelling containing three or less dwelling units, $6.00 per month for each dwelling unit.

B. For each commercial establishment and each multiple-family dwelling containing more than three dwelling units, monthly charges shall be made in accordance with a schedule prepared from time to time by the City Sanitarian and approved by the Governing Body of the City of Almena, which schedules shall be based upon volume of refuse or the time expended in collection and disposal thereof.

C. Mobile Home Courts shall be charged fees to be established in the same manner and at the same rate as commercial establishments; however, where each mobile home is serviced individually the normal residential charge of $6.00 per month shall apply.

D. All owners or occupants of dwelling units, private enterprises and undertakings, other than commercial establishments not utilizing the city's collection service, shall pay a charge of $2.20 per month for the city's cost of maintaining a solid waste management system.

E. All commercial establishments not utilizing the city's collection service shall pay a charge of $3.70 for the city's cost of maintaining a solid waste management system.

SECTION 2. Section 10 of Ordinance No. 343 of the City of Almena, Kansas is hereby repealed.

SECTION 3. This ordinance shall take effect from and after the date of its publication in the official city newspaper.

PASSED, ADOPTED AND APPROVED this 8th day of April, 1985, by the Governing Body of the City of Almena, Kansas.

Blake G. Hempler
Mayor

ATTEST:
Leta Baer
City Clerk

ORDINANCE NO. 356

AN ORDINANCE PROVIDING FOR THE REGULATION OF ANIMALS AND FOWL WITHIN THE CITY OF ALMENA, KANSAS, AND AUTHORIZING THE ABATEMENT OF NUISANCES.

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

Section 1: Definitions. For the purpose of this ordinance, the following words shall mean:

A. Animal shall include, but shall not be limited to, cattle, horses, mules, goats, hogs and sheep.

B. At large shall mean off the premises of the owner or keeper or not under the control or supervision of the owner or keeper.

C. Fowl shall include, but shall not be limited to, chickens, ducks, geese, turkeys, guineas, and pigeons.

D. Persons shall mean any person, firm, partnership, association, or corporation.

Section 2: It shall be unlawful for any person to keep or maintain any animal or fowl within the city in an unsanitary manner, or to the annoyance of any person residing in the vicinity.

Section 3: It shall be unlawful for any person to willfully allow any animal or fowl under his or her control to be or to run at large within the city. Any animal or fowl found at large within the city shall be impounded. The city marshall or other city employee shall impound any animal or fowl found at large within the city in a suitable pound or enclosure provided or contracted for by the City. The impounding officer shall make diligent inquiry as to the owner of the animal and shall return the animal to such owner when his or her identity is ascertained. The city shall be entitled to receive from such owner the actual costs incurred plus the actual costs of feeding and maintaining the animal while impounded. In case the identity of the owner of the impounded animal or fowl cannot be ascertained, the animal shall be considered a stray. The city marshall or city employee shall report the impounding of such stray to the county sheriff and the animal shall be disposed of as provided by law. It shall be unlawful for any person to break open, or assist, counsel or advise the breaking open of the city pound, or to take or let out any animal placed therein by the impounding officer. This section shall not apply to any officer duly authorized to handle animals impounded.

Section 4: Any person who maintains any animal or fowl in any building, pen or enclosure on his or her premises which is not kept clean, sanitary and free from filth, debris, garbage and offensive odors at all times, or which is or becomes offensive to those residing in the vicinity shall be deemed to maintain a nuisance. Whenever the city marshall, fire chief, health officer or any member of the governing body shall file with the city clerk a written statement that a nuisance exists within the city, describing the nuisance and where located, the city clerk shall issue a notice requiring the owner or agent of the owner to remove and abate from the premises the thing or things therein described within a period of time, not exceeding ten (10) days, to be specified in the notice. Notice shall be mailed to the

owner or agent at his or her last known address. If the owner, agent or occupant shall fail to abate the nuisance within the time stated in the notice, the city marshall or other city officer designated by the governing body may proceed to have the nuisance abated from the lot or parcel of ground and shall report the cost thereof to the city clerk. The costs of abatement shall be charged against the lot or parcel of ground on which the nuisance was located. The city clerk shall, at the time of certifying other taxes to the county clerk, certify the costs as provided in this section. The county clerk shall extend the same on the tax roll and shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

Section 5: This ordinance shall take effect and be in force upon its publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF ALMENA, KANSAS, ON THIS 11th DAY OF APRIL, 1986.

Monte Montgomery, Mayor

ATTEST:

City Clerk

AFFIDAVIT OF PUBLICATION

Helmi E. Moody, being first duly sworn, deposes and says: That she is publisher of the Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 17th day of April, 1986, with subsequent publications being made on the following dates:

....., 19.....

....., 19.....

Helmi E. Moody

Subscribed and sworn to before my this 21 day or April, 1986

Marvin L. Wendel

Notary Public

My commission expires 9/25/86

MARVIN L. WENDEL
NOTARY PUBLIC
State of Kansas
My Appointment Expires:

Printer's fee $.....

Additional copies $.....

(Published in the Almena Plaindealer April 17, 1986)

ORDINANCE NO. 356

AN ORDINANCE PROVIDING FOR THE REGULATION OF ANIMALS AND FOWL WITHIN THE CITY OF ALMENA, KANSAS, AND AUTHORIZING THE ABATEMENT OF NUISANCES.

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

Section 1: Definitions. For the purpose of this ordinance, the following words shall mean:

A. Animal shall include, but shall not be limited to, cattle, horses, mules, goats, hogs and sheep.

B. At large shall mean off the premises of the owner or keeper or not under the control or supervision of the owner or keeper.

C. Fowl shall include, but shall not be limited to, chickens, ducks, geese, turkeys, guineas, and pigeons.

D. Persons shall mean any person, firm, partnership, association, or corporation.

Section 2: It shall be unlawful for any person to keep or maintain any animal or fowl within the city in an unsanitary manner, or to the annoyance of any person residing in the vicinity.

Section 3: It shall be unlawful for any person to willfully allow any animal or fowl under his or her control to be or to run at large within the city. Any animal or fowl found at large within the city shall be impounded. The city marshall or other city employee shall impound any animal or fowl found at large within the city in a suitable pound or enclosure provided or contracted for by the City. The impounding officer shall make diligent inquiry as to the owner of the animal and shall return the animal to such owner when his or her identity is ascertained. The city shall be entitled to receive from such owner the actual costs incurred plus the actual costs of feeding and maintaining the animal while impounded. In case the identity of the owner of the impounded animal or fowl cannot be ascertained, the animal shall be considered a stray. The city marshall or city employee shall report the impounding of such stray to the county sheriff and the animal shall be disposed of as provided by law. It shall be unlawful for any person to break open, or assist, counsel or advise the breaking open of the city pound, or to take or let out any animal placed therein by the impounding officer. This section shall not apply to any officer duly authorized to handle animals impounded.

Section 4: Any person who maintains any animal or fowl in any building, pen or enclosure on his or her premises which is not kept clean, sanitary and free from filth, debris, garbage and offensive odors at all times, or which is or becomes offensive to those residing in the vicinity shall be deemed to maintain a nuisance. Whenever the city marshall, fire chief, health officer or any member of the governing body shall file with the city clerk a written statement that a nuisance exists within the city, describing the nuisance and where located, the city clerk shall issue a notice requiring the owner or agent of the owner to remove and abate from the premises the thing or things therein described within a period of time, not exceeding ten (10) days, to be specified in the notice. Notice shall be mailed to the owner or agent at his or her last known address. If the owner, agent or occupant shall fail to abate the nuisance within the time stated in the notice, the city marshall or other city officer designated by the governing body may proceed to have the nuisance abated from the lot or parcel of ground and shall report the cost thereof to the city clerk. The costs of abatement shall be charged against the lot or parcel of ground on which the nuisance was located. The city clerk shall, at the time of certifying other taxes to the county clerk, certify the costs as provided in this section. The county clerk shall extend the same on the tax roll and shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

Section 5: This ordinance shall take effect and be in force upon its publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY OF ALMENA, KANSAS, ON THIS 11th DAY OF APRIL, 1986.

Monte R. Montgomery
Mayor

ATTEST:
Leta Baer
City Clerk

ORDINANCE NO. 357

AN ORDINANCE DECLARING AND ESTABLISHING POLICIES AND PROCEDURES WITH RESPECT TO DELINQUENT UTILITY SERVICE BILLINGS; ESTABLISHING NOTICE REQUIREMENTS AND PROCEDURES; PROVIDING FOR HEARING AND FOR DISCONTINUANCE OF UTILITY SERVICES FOR NON-PAYMENT OF ACCOUNT; PROVIDING FOR RECONNECTION CHARGES AND DELINQUENCY CHARGES AND RECONNECTION CHARGES AND DELINQUENCY CHARGES AND AMENDING A PORTION OF ORDINANCE NO. 343, OF THE CITY OF ALMENA.

Be It Ordained by the Governing Body of the City of Almena, Kansas:

SECTION 1. DEFINITIONS. As used in this ordinance, the following definitions shall apply:

(a) Customer shall mean the utility service account holder of record.

(b) Person shall mean natural persons and all corporations, partnerships, associations and all other types and kinds of organizations and entities, without limitation.

(c) Utility Services shall mean solid waste service, sanitary sewer service and water service.

SECTION 2. DISCONTINUANCE OF UTILITY SERVICES. (a) The city may discontinue or refuse a particular utility service to any customer, without notice or hearing, for any of the following reasons:

(1) When the customer so requests.

(2) When it is determined by an employee of the city utility department, fire department or police department that the continuance of a particular utility service constitutes a dangerous condition presenting a likely immediate threat to health or safety of persons or to property on or near the customer's premises.

(b) The city may discontinue or refuse a particular utility service to any customer, following compliance with the notice and hearing requirements of Section 4 of this ordinance, for any of the following reasons:

(1) Non-payment of utility bills and charges as provided in Section 4 of this ordinance.

(2) When the customer misrepresents his or her identity or otherwise intentionally provides false information for the purpose of obtaining utility services from the city.

(c) The city may discontinue or refuse a particular utility service to any customer, following notice to the customer, for any of the reasons set out in this subsection. The customer shall have the right to a hearing within a reasonable time, not to exceed 10 days, following termination or refusal of service. If after such hearing the hearing officer finds in favor of the customer the hearing officer may order connection or reconnection of the service at no cost to the customer.

(1) When the customer refuses to grant employees of the city's utility department access to equipment installed upon the premises of the customer for the purpose of inspection, meter reading, maintenance or replacement.

(2) When the customer violates any rule, regulations or ordinance of the city pertaining to utility services, which violation adversely affects the safety of the customer or other persons, or the integrity of the city's utility services' delivery system.

(3) When the customer attempts, causes or permits unauthorized interference, diversion, theft, tampering, damage or use of utility services or the utility services' delivery system situated or delivered on or about the customer's premises.

SECTION 3. UTILITY BILLING DATES; DELINQUENCY DATE. Utility billings shall be mailed on approximately the 5th day of each month for the previous month services. All billings for utility services shall be due and payable at the office of the city clerk on the 5th day of the month and must be paid in full by the 15th day of the month. Failure to make payment before the 16th day of the month shall result in the mailing of an account delinquency and service discontinuation notice.

SECTION 4. NON-PAYMENT OF UTILITY BILLS. (a) An account delinquency and service discontinuance notice shall be issued in writing on the 16th day of the month with respect to any delinquent and unpaid utility service bill. Notice shall be sent by U.S. mail, first class, to the customer (and a copy also sent by U.S. mail, first class, to the occupant of the premises served if the occupant is not the customer) at the last known address of the customer as shown on the records of the city. Written notice may also be provided by personal service upon the customer by an employee of the city utility department or by any city law enforcement officer or by such city employee posting the written notice upon a door of a building upon the property serviced.

(b) The notice of account delinquency and service discontinuance shall provide the following information: (1) Name of customer and address where service is being provided. (2) Account number. (3) Amount past due plus delinquency charges. (4) Notice that utility service shall be terminated upon failure to pay the delinquent billing plus delinquency charges within 10 days of the date of the mailing of the notice. (5) Notice that the customer has the right to appear and be heard at a hearing on the hearing date set by the city.

(c) The notice of account delinquency and service discontinuance shall be substantially in the following form:

"NOTICE OF ACCOUNT DELINQUENCY AND SERVICE DISCONTINUANCE.
TO: _____ your (solid waste service, sanitary sewer service and/or water) bill in the amount of $_____ which was due _____, 19___, remain unpaid and is now delinquent. The delinquency charge to be added to your bill is $_____. You are hereby notified that the city intends to terminate your service on _____ _____ at ____:00 (a.m.)(p.m.), unless you pay the amounts due as above stated or unless good cause be shown why such service should not be terminated. You are further notified that you are to appear in the _____ city hall on the _____ day of _____, 19___, at ____:00 (a.m.) (p.m.), then and there to show good cause as to why your service should not be terminated for non-payment of charges.

Should you fail to attend the hearing or fail to request at least 24 hours prior to the above hearing date that the hearing be rescheduled, then you are notified that immediately following the hearing date such service or services shall be discontinued. Dated _____, 19____, City of Almena, Kansas. By: _____."

(d) Any utility customer receiving a notice of account delinquency and service discontinuance shall have the right to a hearing prior to the disconnection. At such hearing, the applicant customer, and the city, shall have the right to present such evidence as is pertinent to the issue, may be represented by counsel, and may examine and cross-examine witnesses, however, formal rules of evidence shall not be followed. The hearing shall be by a hearing officer as may be appointed by the mayor, with the consent of the governing body. In the event the hearing officer finds utility service(s) should not be discontinued, the hearing officer shall so order and advise the city thereof. In the event the hearing officer finds utility service(s) should be discontinued, the hearing officer shall so order and advise the city thereof. Unless otherwise ordered by the hearing officer, utility service(s) shall be discontinued on the date that the order of discontinuance is issued by the hearing officer. Extensions of the date of discontinuance may be granted to enable the customer to make arrangements for reasonable installment payments or for other good cause shown. The customers shall be given notice of order of discontinuance in person, or by certified mail. In making determination of whether discontinuance should be ordered, the hearing officer shall consider, but not be limited to, the following factors: Whether discontinuance is dangerous to the health of the customer, the customer's family or any other residents of the premises affected; the weather; unforseen financial hardship of the customer; and the medical conditions, ages or disabilities of the customer, the customer's family or other residents of the premises.

SECTION 5. DISCONTINUANCE OF UTILITY SERVICES. City utility departments are hereby authorized to discontinue and disconnect utility services to any customer pursuant to the procedure set out in this ordinance. Customers shall remain responsible for furnishing the City with the correct address for billing purposes.

SECTION 6. LIEN UPON CUSTOMER'S PROPERTY. In the event any person shall neglect, fail or refuse to pay within 10 days, following notice of discontinuance the utility billings and delinquency charges due the city, such billings and charges shall constitute a lien upon the real property served by the connection to the utility service, and shall be certified by the city clerk to the county clerk of Norton County, Kansas, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectible.

SECTION 7. LANDLORD LIABILITY. Owners and occupants of leased premises served by the utilities furnished by the city are jointly liable for payment of the cost of any utilities furnished by the city to such premises, whether such utility service is furnished upon the application and request of the owner or the lessee of the premises. The owner of any leased premises, or the owner's agent if leasing is through an agent, shall be notified of the delinquency of the occupant of the leased premises in the same manner as notice is provided to customers pursuant to Section 4 of this ordinance and at the same time of notice to the lessee-customer.

SECTION 8. LATE PAYMENT CHARGES AND RECONNECTION FEES. (a) Late Payment Charges. All bills delinquent after the 15th day of the month of the billing shall be subject to a 5 percent penalty and to an additional 5 percent penalty on the 20th day of the month of the billing should such account remain delinquent.

(b) Reconnection Charges. Prior to reconnecting a utility service disconnected following a delinquency, the customer shall pay to the city the entire balance due and owing to the city at the time of reconnection. The customer shall also pay a reconnection charge of $20.00 for reconnection of sanitary sewer service, $20.00 for reconnection of water service, $40.00 for the second and each subsequent occurrence within one year from the first occurrence and an additional $5.00 for each additional occurrence not to exceed an aggregate of $30.00.

SECTION 9. AMENDMENT OF ORDINANCE NO. 343. Section 4 of Ordinance No. 343 is hereby amended and replaced in its entirety by the provisions of Section 8 hereof.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect upon its publication in the official city newspaper.

PASSED, ADOPTED AND APPROVED this 6 day of October, 1986, by the Governing Body of the City of Almena, Kansas.

Mayor

Attest:

City Clerk

AFFIDAVIT OF PUBLICATION

Helmi E. Moody, being first duly sworn, deposes and says: That she is publisher of the Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 13 day of November, 19 86, with subsequent publications being made on the following dates:

....., 19.....

....., 19.....

Helmi E Moody

Subscribed and sworn to before my this 15 day or NOV, 19 86.

Stanley T Chandler
Notary Public

My commission expires ~~8/11/89~~ 11/8/89

NOTARY PUBLIC - State of Kansas
STANLEY T. CHANDLER
My Appt. Exp.

Printer's fee $.....

Additional copies $.....

(Published in the Almena Plaindealer November 13, 1986)

ORDINANCE NO. 357

AN ORDINANCE DECLARING AND ESTABLISHING POLICIES AND PROCEDURES WITH RESPECT TO DELINQUENT UTILITY SERVICE BILLINGS; ESTABLISHING NOTICE REQUIREMENTS AND PROCEDURES; PROVIDING FOR HEARING AND FOR DISCONTINUANCE OF UTILITY SERVICES FOR NON-PAYMENT OF ACCOUNT; PROVIDING FOR RECONNECTION CHARGES AND DELINQUENCY CHARGES AND RECONNECTION CHARGES AND DELINQUENCY CHARGES AND AMENDING A PORTION OF ORDINANCE NO. 343, OF THE CITY OF ALMENA.

Be It Ordained by the Governing Body of the City of Almena, Kansas:

SECTION 1. DEFINITIONS. As used in this ordinance, the following definitions shall apply:

(a) Customer shall mean the utility service account holder of record.

(b) Person shall mean natural persons and all corporations, partnerships, associations and all other types and kinds of organizations and entities, without limitation.

(c) Utility Services shall mean solid waste service, sanitary sewer service and water service.

SECTION 2. DISCONTINUANCE OF UTILITY SERVICES. (a) The city may discontinue or refuse a particular utility service to any customer, without notice or hearing, for any of the following reasons:

(1) When the customer so requests.

(2) When it is determined by an employee of the city utility department, fire department or police department that the continuance of a particular utility service constitutes a dangerous condition presenting a likely immediate threat to health or safety of persons or to property on or near the customer's premises.

(b) The city may discontinue or refuse a particular utility service to any customer, following compliance with the notice and hearing requirements of Section 4 of this ordinance, for any of the following reasons:

(1) Non-payment of utility bills and charges as provided in Section 4 of this ordinance.

(2) When the customer misrepresents his or her identity or otherwise intentionally provides false information for the purpose of obtaining utility services from the city.

(c) The city may discontinue or refuse a particular utility service to any customer, following notice to the customer, for any of the reasons set out in this subsection. The customer shall have the right to a hearing within a reasonable finds in favor of the customer the hearing officer may order connection or reconnection of the service at no cost to the customer.

(1) When the customer refuses to grant employees of the city's utility department access to equipment installed upon the premises of the customer for the purpose of inspection, meter reading, maintenance or replacement.

(2) When the customer violates any rule, regulations or ordinance of the city pertaining to utility services, which violation adversely affects the safety of the customer or other persons, or the integrity of the city's utility services' delivery system.

(3) When the customer attempts, causes or permits unauthorized interference, diversion, theft, tampering, damage or use of utility services or the utility services' delivery system situated or delivered on or about the customer's premises.

SECTION 3. UTILITY BILLING DATES; DELINQUENCY DATE. Utility billings shall be mailed on approximately the 5th day of each month for the previous month services. All billings for utility services shall be due and payable at the office of the city clerk on the 5th day of the month and must be paid in full by the 15th day of the month. Failure to make payment before the 16th day of the month shall result in the mailing of an account delinquency and service discontinuation notice.

SECTION 4. NON-PAYMENT OF UTILITY BILLS. (a) An account delinquency and service discontinuance notice shall be issued in writing on the 16th day of the month with respect to any delinquent and unpaid utility service bill. Notice shall be sent by U.S. mail, first class, to the customer (and a copy also sent by U.S. mail, first class, to the occupant of the premises served if the occupant is not the customer) at the last known address of the customer as shown on the records of the city. Written notice may also be provided by personal service upon the customer by an employee of the city utility department or by any city law enforcement officer or by such city employee posting the written notice upon a door of a building upon the property serviced.

(b) The notice of account delinquency and service discontinuance shall provide the following information: (1) Name of customer and address where service is being provided. (2) Account number. (3) Amount past due plus delinquency charges. (4) Notice that utility service shall be terminated upon failure to pay the delinquent billing plus delinquency charges within 10 days of the date of the mailing of the notice. (5) Notice that the customer has the right to appear and be heard at a hearing

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Ordinance 358

AN ORDINANCE LEVYING ASSESSMENTS ON LOTS, PIECES AND PARCELS OF GROUND IN THE CITY OF ALMENA, KANSAS FOR THE PURPOSE OF PAYING THE COST OF PAVING, CURBING, AND GUTTERING AND OTHERWISE IMPROVING PORTIONS OF BRYANT AND WAGNER STREETS IN THE CITY OF ALMENA, KANSAS.

WHEREAS, pursuant to proceedings regularly had according to law, contracts have been let for the following improvement in the City of Almena, Kansas:

> Construct concrete street surface with curb and gutter to Bryant Street between Van Horn and Washington Streets; and Wagner Street between Bryant and Benton Streets;

and such contracts have been duly performed, and

WHEREAS, said governing body has determined that the total cost of such improvement is $146,330.15 and that 15% thereof be assessed against the improvement district and 85% be paid by the city at large, and

WHEREAS, said governing body 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 ALMENA, KANSAS:

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

Legal Description	Assessment
Lot 1, Block 2, Central Addition	$1,477.57
Lot 2, and the North Half of Lot 3, Block 2, Central Addition	$ 511.57
South Half of Lot 3 and the North 35 feet of Lot 4, Block 2, Central Addition	$779.40
Lots 5 and 6 and the South 15 feet of Lot 4, Block 2, Central Addition	$1,493.85
Lots 1 and 2, Block 1, Central Addition	$1,562.40
East Half of Lots 11 and 12, Block 1, Central Addition	$781.20
The West Half of Lots 11 and 12, Block 1, Central Addition	$1,823.20
Lot 10 and the North 10 feet of Lot 9, Block 1, Central Addition	$625.20
Lots 7 and 8 and the South 40 feet of Lot 9, Block 1, Central Addition	$1,453.80

Lot 13, Block E and Lot 6, Block F, all in Leonard Addition and a tract of land commencing 80 feet West of the Southwest Corner of Block 4, Original of Almena, Kansas, thence West 160 feet, thence North 300 feet, thence East 160 feet, thence South 300 feet to the place of beginning. $11,933.94

SECTION 2: Such assessments with accrued interest, are levied concurrently with general property taxes, and should be payable in Five (5) equal annual installments. The first installment shall be payable at the time of the first payment of general property taxes following the adoption and publication of this ordinance.

SECTION 3: All assessments shall bear interest at a rate not to exceed the maximum rate set by Kansas law.

SECTION 4: The owner of any property so assessed may at any time prior to the 15th day of March, 1987, pay the whole of the assessment against any lot or parcel of ground [illegible] to the city treasurer.

SECTION 5: Assessments not paid prior to the date provided in Section 4, herein, shall be certified, together with the interest [illegible] to accrue by the city clerk to the county clerk and collected in the same manner as other taxes.

SECTION 6: This ordinance shall take effect and be in force from and after its publication as provided by law.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, this 2nd day of February, 1987.

Monte Montgomery, Mayor

City Clerk

SPECIAL IMPROVEMENT ASSESSMENT

TO:

YOU ARE HEREBY NOTIFIED that

is subject to special assessment in the amount of $_____ for the improvement of _____ Street, by paving and curbing. You may pay this amount at the Office of the City Treasurer of the City of Almena, Kansas on or before 15th March, 1987, otherwise the aforesaid amount of special assessment with interest added thereto for a period of Five (5) years will be levied as follows: 1/5 (one fifth) of the amount (including said interest rate to be determined when bonds are sold), first year and each year thereafter for said Five (5) years, and placed upon the tax roll and collected by the County Treasurer of Norton County in like manner as other taxes under existing laws.

Leta Baer

City Clerk Leta Baer

AFFIDAVIT OF PUBLICATION

Helmi E. Moody, being first duly sworn, deposes and says: That she is publisher of the Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 25 day of December, 1986, with subsequent publications being made on the following dates:

....., 19.....

....., 19.....

Helmi E. Moody

Subscribed and sworn to before my this 24 day or Dec, 1986.

Kenneth D. Chandler
Notary Public

My commission expires Oct. 28, 1988

Kenneth D. Chandler
NOTARY PUBLIC
State of Kansas
My Appt. Expires 10-28-88

Printer's fee $.....

Additional copies $.....



ORDINANCE NO. 359

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE CODIFICATION OF THE GENERAL ORDINANCES OF THE CITY OF ALMENA, KANSAS, AND THE PUBLICATION OF SUCH CODIFICATION IN LOOSELEAF BOOK FORM.

Be it Ordained by the Governing Body of the City of Almena:

Section 1. That a codification of the general ordinances of the City of Almena, Kansas, including supplements thereto, as authorized by K.S.A. 12-3014 and 12-3015, is hereby ordered, authorized and provided for, the preparation of which shall be done by the League of Kansas Municipalities as provided by contract. When completed, the codification shall be adopted by ordinance and published together with the adopting ordinance in looseleaf book form. No fewer than 10 copies shall be published. Such codification shall be entitled, "Code of the City of Almena, Kansas," of the year in which the work is completed and ready for publication. The said code shall be duly certified by the City Clerk. One copy of the code shall be filed in the office of the City Clerk and shall be designated as and shall constitute the official ordinance book. Three additional copies shall be filed in the office of the city clerk and shall be designated for use by the public.

Section 2. That this ordinance shall take effect and be in force from and after its publication once in the official city newspaper.

Passed and Approved by the Governing Body this 3rd day of November, 19 56.

Mayor

ATTEST: Peta Baer
City Clerk

(SEAL)

AFFIDAVIT OF PUBLICATION

Helmi E. Moody, being first duly sworn, deposes and says: That she is publisher of the Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 19 day of February, 1987, with subsequent publications being made on the following dates:

....., 19.....

....., 19.....

Helmi E Moody

Subscribed and sworn to before my this 19th day or February, 1987

Marvin L Wendel

Notary Public

My commission expires 9/25/89

MARVIN L. WENDEL
NOTARY PUBLIC
State of Kansas
My Appointment Expires:

Printer's fee $.....

Additional copies $.....

(Published in the Almena Plaindealer February 19, 1987)

ORDINANCE NO. 359

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE CODIFICATION OF THE GENERAL ORDINANCES OF THE CITY OF ALMENA, KANSAS, AND THE PUBLICATION OF SUCH CODIFICATION IN LOOSELEAF BOOK FORM.

Be it Ordained by the Governing Body of the City of Almena:

Section 1. That a codification of the general ordinances of the City of Almena, Kansas, including supplements thereto, as authorized by K.S.A. 12-3014 and 12-3015, is hereby ordered, authorized and provided for, the preparation of which shall be done by the League of Kansas Municipalities as provided by contract. When completed, the codification shall be adopted by ordinance and published together with the adopting ordinance in looseleaf book form. No fewer than 10 copies shall be published. Such codification shall be entitled, "Code of the City of Almena, Kansas," of the year in which the work is completed and ready for publication. The said code shall be duly certified by the City Clerk. One copy of the code shall be filed in the office of the City Clerk and shall be designated as and shall constitute the official ordinance book. Three additional copies shall be filed in the office of the city clerk and shall be designated for use by the public.

Section 2. That this ordinance shall take effect and be in force from and after its publication once in the official city newspaper.

Passed and approved by the Governing Body this 3rd day of November, 1986.

Monte R. Montgomery
Mayor

ATTEST: Leta Baer
City Clerk
(SEAL)

ORDINANCE NO. 360

AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF ALMENA, KANSAS, AUTHORIZED BY ORDINANCE NO. 359 PROVIDING FOR THE REPEAL OF CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN, EXCEPTING CERTAIN ORDINANCES FROM REPEAL AND SAVING CERTAIN ACCRUED RIGHTS AND LIABILITIES.

Be it Ordained by the Governing Body of the City of Almena, Kansas:

Section 1. The codification of ordinances of the City of Almena, Kansas, authorized by Ordinance No. 359 and K.S.A. 12-3014 and 12-3015, as set out in the following chapters, Chapters I to XVI and Appendices A and B, all inclusive, and entitled the "Code of the City of Almena, Kansas, 1987," is hereby adopted and ordained as the "Code of the City of Almena, Kansas, 1987," and said codification shall become effective upon publication of no fewer than 10 copies of said code in book form.

Section 2. All ordinances and parts of ordinances of a general nature passed prior to February 2, 1987, in force and effect at the date of the publication of no fewer than 10 copies of the "Code of the City of Almena, Kansas, 1987," and this ordinance, are hereby repealed as of the date of publication of said code except as hereinafter provided.

Section 3. In construing this ordinance, the following ordinances shall not be considered or held to be ordinances of a general nature:

(a) Ordinances pertaining to the acquisition of property or interests in property by gift, purchase, devise, bequest, appropriation or condemnation;
(b) Ordinances opening, dedicating, widening, vacating or narrowing streets, avenues, alleys and boulevards;
(c) Ordinances establishing and changing grades of streets, avenues, alleys and boulevards;
(d) Ordinances naming or changing the names of streets, avenues and boulevards;
(e) Ordinances authorizing or directing public improvements to be made;
(f) Ordinances creating districts for public improvements of whatsoever kind or nature;
(g) Ordinances levying general taxes;
(h) Ordinances levying special assessments or taxes;
(i) Ordinances granting any rights, privileges, easements or franchises therein mentioned to any person, firm or corporation;
(j) Ordinances authorizing the issuance of bonds and other instruments of indebtedness by the city;
(k) Ordinances authorizing contracts;
(l) Ordinances establishing the limits of the city or pertaining to annexation or exclusion of territory;
(m) Ordinances relating to compensation of officials, officers and employees of the city:
(n) Ordinances of a temporary nature;

Provided, That the above enumeration of exceptions shall not be held or deemed to be exclusive, it being the purpose and intention to exempt from repeal any and all ordinances not of a general nature and general ordinances specifically excepted by this section.

Section 4. The arrangement and classification of the several chapters, articles, and sections of the code adopted by Section 1 of this ordinance and the headnotes and footnotes

at the ends of the sections, are made for the purpose of convenience and orderly arrangement, and do not constitute a part of the ordinances, and therefore, no implication or presumption of legislative intent or construction is to be drawn therefrom.

Section 5. The repeal of ordinances as provided in Section 2 hereof, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or actions involving any of the provisions of said ordinances or parts thereof. Said ordinances above repealed are hereby continued in force and effect after the passage, approval and publication of this ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefor.

Section 6. If for any reason any chapter, article, section, subsection, sentence, portion or part of the "Code of the City of Almena, Kansas, 1987," or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this code.

Section 7. This ordinance shall take effect and be in force from and after the publication of the "Code of the City of Almena, Kansas, 1987," as provided in K.S.A. 12-3015.

Passed by the Governing Body of the City of Almena, Kansas, this 7th day of March, 1988.

Monte R. Montgomery

Monte Montgomery, Mayor

ATTEST: Norma L. Meuzelaar

Norma Meuzelaar, City Clerk

(SEAL)

AFFIDAVIT OF PUBLICATION

Helmi E. Moody, being first duly sworn, deposes and says: That she is publisher of the Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 17 day of March, 1988, with subsequent publications being made on the following dates:

....., 19.....

....., 19.....

Helmi E. Moody

Subscribed and sworn to before my this 21 day of March, 1988

Kenneth D. Chandler

Notary Public

My commission expires Oct. 28, 88

Kenneth D. Chandler
NOTARY PUBLIC
State of Kansas

Printer's fee $.....

Additional copies $.....

(Published in the Almena Plaindealer March 17, 1988)

ORDINANCE NO. 360

AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF ALMENA, KANSAS, AUTHORIZED BY ORDINANCE NO. 359 PROVIDING FOR THE REPEAL OF CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN, EXCEPTING CERTAIN ORDINANCES FROM REPEAL AND SAVING CERTAIN ACCRUED RIGHTS AND LIABILITIES.

Be it Ordained by the Governing Body of the City of Almena, Kansas:

Section 1. The codification of ordinances of the City of Almena, Kansas, authorized by Ordinance No. 359 and K.S.A. 12-3015, as set out in the following chapters, Chapters I to XVI and Appendices A and B, all inclusive, and entitled the "Code of the City of Almena, Kansas, 1987," is hereby adopted and ordained as the "Code of the City of Almena, Kansas, 1987," and said codification shall become effective upon publication of no fewer than 10 copies of said code in book form.

Section 2. All ordinances and parts of ordinances of a general nature passed prior to February 2, 1987, in force and effect at the date of the publication of no fewer than 10 copies of the "Code of the City of Almena, Kansas, 1987," and this ordinance, are hereby repealed as of the date of publication of said code except as hereinafter provided.

Section 3. In construing this ordinance, the following ordinances shall not be considered or held to be ordinances of a general nature:

(a) Ordinances pertaining to the acquisition of property or interests in property by gift, purchase, devise, bequest, appropriation or condemnation;

(b) Ordinances opening, dedicating, widening, vacating or narrowing streets, avenues, alleys and boulevards;

(c) Ordinances naming streets;

(d) Ordinances establishing the grade of streets;

(e) Ordinances establishing sewer districts;

(f) Ordinances establishing water districts;

(g) Ordinances establishing improvement districts;

(h) Ordinances establishing fire districts;

(i) Ordinances granting franchises or privileges to any person, firm or corporation;

(j) Ordinances authorizing the issuance of bonds and other instruments of indebtedness by the city;

(k) Ordinances authorizing contracts;

(l) Ordinances establishing the limits of the city or pertaining to annexation or exclusion of territory;

(m) Ordinances relating to compensation of officials, officers and employees of the city;

(n) Ordinances of a temporary nature;

Provided, That the above enumeration of exceptions shall not be held or deemed to be exclusive, it being the purpose and intention to exempt from repeal any and all ordinances not of a general nature and general ordinances specifically excepted by this section.

Section 4. The arrangement and classification of the several chapters, articles, and sections of the code adopted by Section 1 of this ordinance and the headnotes and footnotes at the ends of the sections, are made for the purpose of convenience and orderly arrangement, and do not constitute a part of the ordinances, and therefore, no implication or presumption of legislative intent or construction is to be drawn therefrom.

Section 5. The repeal of ordinances as provided in Section 2 hereof, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or actions involving any of the provisions of said ordinances or parts thereof. Said ordinances above repealed are hereby continued in force and effect after the passage, approval and publication of this ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefor.

Section 6. If for any reason any chapter, article, section, subsection, sentence, portion or part of the "Code of the City of Almena, Kansas, 1987," or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this code.

Section 7. This ordinance



ALMENA PL

LOCAL

Ruth Wiles, Wiles passed a They made the fornia.

Mr. and Mrs. ited Mr. and M mot at Clayton noon.

Mr. and Mrs of Ogallala, Ne a few days wit Art Koiste and

CERTIFICATE OF THE CITY CLERK

Office of the City Clerk
City of Almena, Kansas

State of Kansas)
)
Norton County)

I, Norma Meuzelaar, City Clerk of the City of Almena, Norton County, Kansas do hereby certify that said city is a city of the third class of the mayor-council form of government under the statutes of Kansas; that this codification of the general ordinances of said city and the publication thereof in book form were ordered and authorized by the governing body by Ordinance No. 359 and in accordance therewith is entitled the "Code of the City of Almena, Kansas, 1987," that said codification was adopted as the "Code of the City of Almena, Kansas, 1987," by the governing body by Ordinance No. 360 passed on the 7th day of March, 1988, as authorized by Section 12-3015 of the Kansas Statutes Annotated; that said Ordinance No. 360 and said codification of general ordinances as contained in this volume will take effect upon publication of 10 or more copies; that the publication of 10 copies of this code and adoptive Ordinance No. 360 constitute due passage of this code and all general ordinances contained therein; that the codification and adoptive Ordinance No. 360 as contained herein are true and correct copies; and that said publication imports absolute verity and is to be received in evidence in all courts and places without further proof as provided by 12-3015 of the Kansas Statutes Annotated.

I further certify that the "Code of the City of Almena, Kansas, 1987," and the matter therein contained will take effect upon publication and be in force from and after March 17, 1988.

Witness my hand and the seal of the City of Almena, Kansas, at my office in Almena, Kansas, this 7th day of March, 1988.

Norma L. Meuzelaar

Norma Meuzelaar, City Clerk
City of Almena, Kansas

(S E A L)

ORDINANCE No. 361

ORDINANCE REGULATING THE USE OF SNOWMOBILES WITHIN THE CITY OF ALMENA, KANSAS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, the City of Almena, Kansas has jurisdiction to regulate traffic upon the streets within Almena, Kansas, and may authorize the use of snowmobiles upon the city streets pursuant to K.S.A. 8-1585.

BE IT ORDAINED by the Governing Body of the City of Almena, Kansas, that snowmobiles may be operated upon the streets within Almena, Kansas subject, however, to the following restrictions and limitations:

SECTION ONE: Persons operating snowmobiles shall comply with and be subject to the provisions of the Standard Traffic Ordinance as enacted by Chapter XIV of the Code of the City of Almena, and all ordinances or sections amendatory thereof or supplemental thereto. An operator of a snowmobile shall possess a valid driver's license.

SECTION TWO: Snowmobiles must yield the right of way to all other road traffic; but otherwise shall be operated in the same manner as any other motor vehicle.

SECTION THREE: Except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1335, no person shall drive a snowmobile at a speed in excess of 25 miles per hour.

SECTION FOUR: Excessive noise will be considered disorderly conduct. No racing machines will be allowed to operate on the streets or roadways.

SECTION FIVE: No person shall operate a snowmobile between the hours of 10:00 o'clock P.M. and 7:00 o'clock A.M., excepting in going to or returning from an evening ride outside the corporate limits of the City of Almena, Kansas.

SECTION SIX: Only rigid towing devices will be permitted behind a snowmobile.

SECTION SEVEN: Headlights and taillights shall be on at all times while operating a snowmobile.

SECTION EIGHT: No person shall operate, accelerate or halt any snowmobile in such a manner as to indicate a careless or heedless disregard for the rights or the safety of other persons, vehicles or property, or in such a manner as to endanger or be likely to endanger any person or property, upon the streets within Almena, Kansas.

SECTION NINE: Unless otherwise specified, violations of the provisions of this Ordinance shall be punishable as set out in Section 201 of the Standard Traffic Ordinance.

SECTION TEN: This Ordinance shall take effect upon its adoption and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Almena, Kansas this 7th day of March, 1988.

Monte R. Montgomery, Mayor

ATTEST:

Norma L. Meuzelaar
City Clerk

ORDINANCE No. 361

ORDINANCE REGULATING THE USE OF SNOWMOBILES WITHIN THE CITY OF ALMENA, KANSAS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

WHEREAS, the City of Almena, Kansas has jurisdiction to regulate traffic upon the streets within Almena, Kansas, and may authorize the use of snowmobiles upon the city streets pursuant to K.S.A. 8-1585.

BE IT ORDAINED by the Governing Body of the City of Almena, Kansas, that snowmobiles may be operated upon the streets within Almena, Kansas subject, however, to the following restrictions and limitations:

SECTION ONE: Persons operating snowmobiles shall comply with and be subject to the provisions of the Standard Traffic Ordinance as enacted by Chapter XIV of the Code of the City of Almena, and all ordinances or sections amendatory thereof or supplemental thereto. An operator of a snowmobile shall possess a valid driver's license.

SECTION TWO: Snowmobiles must yield the right of way to all other road traffic; but otherwise shall be operated in the same manner as any other motor vehicle.

SECTION THREE: Except when a special hazard exists that requires lower speed for compliance with K.S.A. 8-1335, no person shall drive a snowmobile at a speed in excess of 25 miles per hour.

SECTION FOUR: Excessive noise will be considered disorderly conduct. No racing machines will be allowed to operate on the streets or roadways.

SECTION FIVE: No person shall operate a snowmobile between the hours of 10:00 o'clock P.M. and 7:00 o'clock A.M., excepting in going to or returning from an evening ride outside the corporate limits of the City of Almena, Kansas.

SECTION SIX: Only rigid towing devices will be permitted behind a snowmobile.

SECTION SEVEN: Headlights and taillights shall be on at all times while operating a snowmobile.

SECTION EIGHT: No person shall operate, accelerate or halt any snowmobile in such a manner as to indicate a careless or heedless disregard for the rights or the safety of other persons, vehicles or property, or in such a manner as to endanger or be likely to endanger any person or property, upon the streets within Almena, Kansas.

SECTION NINE: Unless otherwise specified, violations of the provisions of this Ordinance shall be punishable as set out in Section 201 of the Standard Traffic Ordinance.

SECTION TEN: This Ordinance shall take effect upon its adoption and publication in the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Almena, Kansas this 7th day of March, 1988.

Monte R. Montgomery, Mayor

ATTEST:

Norma L. Meuzelaar
City Clerk

ORDINANCE NO. 362

AN ORDINANCE AMENDING THE FLOODWAY DISTRICT FOR THE CITY OF ALMENA, KANSAS.

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

SECTION 1: Section 16-101(e)(f) and (h) of the Code of the City of Almena is hereby amended to read as follows:

(e) Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes parked trailers, travel trailers and other similar vehicles placed on the site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include parked trailers, travel trailers and other similar vehicles.

(f) Manufactured Home Park or Subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(h) Structure - a walled or roofed structure including a gas or liquid storage tank that is principally above the ground, including, but without limitation buildings, factories, sheds, cabins, manufactured homes, and other similar uses.

SECTION 2: Section 16-104(b) of the Code of the City of Almena is amended to read as follows:

(b) Separate development permits are required for all new placement of manufactured homes within Zone A on the official map.

SECTION 3: Section 16-107 of the Code of the City of Almena is hereby amended to read as follows:

STANDARDS: (a) The building official shall obtain, review and reasonably utilize any regulatory flood elevation and floodway data available from federal, state or other sources, until such other data is provided by the Federal Insurance Administration in a flood insurance study; and require within areas designated as Zone A on the official map that the following performance standards be met:

(1) RESIDENTIAL CONSTRUCTION: New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base floor elevation.

(2) NON-RESIDENTIAL CONSTRUCTION: New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the local enforcement official.

(3) Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(b) Require the usage of construction materials and utility equipment that are resistant to flood damage.

(c) Require the usage of construction methods and practices that will minimize flood damage.

(d) Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(e) New structures be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with state laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) must be met:

(1) Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at the intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side.

(2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side.

(3) All components of the anchoring system be capable of carrying a force of 4,800 pounds.

(4) Any additions to manufactured homes be similarly anchored.

(g) Require that all manufactured homes be placed within Zones A1-30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 16-107(f).

SECTION 4: Section 16-108 of the Code of the City of Almena is hereby amended to read as follows:

SUBDIVISION STANDARDS: The governing body shall review all subdivision applications and other proposed new developments,

including manufactured home parks or subdivisions, and shall make findings of fact and assure that:

(a) All such proposed developments are consistent with the need to minimize flood damage.

(b) Subdivision proposals and other proposed new development (including proposals for manufactured home parks and subdivisions) greater than five acres or 50 lots, whichever is lesser, include within such proposals regulatory flood data in areas designated Zone A.

(c) Adequate drainage is provided so as to reduce exposure to flood hazards.

(d) All public utilities and facilities are located so as to minimize or eliminate flood damage.

SECTION 5: Section 16-111 of the Code of the City of Almena is hereby amended to read as follows:

AMENDMENTS. The governing body may, from time to time, amend this article to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this article are in compliance with the National Flood Insurance Program Regulation as published in Title 44 of the Code of Federal Regulations.

SECTION 6: This Ordinance shall take effect upon its adoption.

PASSED AND APPROVED this 4th day of April, 1988.

Monte R. Montgomery
Monte Montgomery
Mayor

ATTEST:

Norma L. Meuzelaar
City Clerk

AFFIDAVIT OF PUBLICATION

Helmi E. Moody, being first duly sworn, poses and says: That she is publisher of ie Almena Plaindealer, a weekly newsper printed in the State of Kansas, and iblished in and of general circulation in lorton County, Kansas, with a general ild circulation on a yearly basis in Norton ounty, Kansas, and that said newspaper not a trade, religious or fraternal ublication.

Said newspaper is a weekly published at ast weekly 50 times a year, has been so iblished continuously and uninterruptedly ı said county and state for a period of ore than five years prior to the first ıblication of said notice; and has been ntitled at the post office of Almena in id County as second class matter.

That the attached notice is a true copy ereof and was published in the regular id entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid n the 23 day of June, 9 88, with subsequent publications eing made on the following dates:

, 19

, 19

Helmi E. Moody

Subscribed and sworn to before me this 27 day or June, 1988.

Marvin L. Wendel

Notary Public

ly commission expires 9/25/90

MARVIN L. WENDEL
NOTARY PUBLIC
State of Kansas
My Appointment Expires:

Printer's fee $

Additional copies $

(Published in the Almena Plaindealer June 23, 1988)

ORDINANCE NO. 362

AN ORDINANCE AMENDING THE FLOODWAY DISTRICT FOR THE CITY OF ALMENA, KANSAS.

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

SECTION 1: Section 16-101 (e) (f) and (h) of the Code of the City of Almena is hereby amended to read as follows:

(e) Manufactured Home — a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes parked trailers, travel trailers and other similar vehicles placed on the site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include parked trailers, travel trailers and other similar vehicles.

(f) Manufactured Home Park or Subdivision — a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(h) Structure — a walled or roofed structure including a gas or liquid storage tank that is principally above the ground, including, but without limitation buildings, factories, sheds, cabins, manufactured homes, and other similar uses.

SECTION 2: Section 16-104 (b) of the Code of the City of Almena is amended to read as follows:

(b) Separate development permits are required for all new placement of manufactured homes within Zone A on the official map.

SECTION 3: Section 16-107 of the Code of the City of Almena is hereby amended to read as follows:

STANDARDS: (a) The building official shall obtain, review and reasonably utilize any regulatory flood elevation and floodway data available from federal, state or other sources, until such other data is provided by the Federal Insurance Administration in a flood insurance study; and require within areas designated as Zone A on the official map that the following performance standards be met:

(1) RESIDENTIAL CONSTRUCTION: New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base floor elevation.

(2) NON-RESIDENTIAL CONSTRUCTION: New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this section are satisfied. Such certification shall be provided to the local enforcement official.

(3) Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(b) Require the usage of construction materials and utility equipment that are resistant to flood damage.

(c) Require the usage of construction methods and practices that will minimize flood damage.

(d) Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of bouyancy.

(e) New structures be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(f) Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with state laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) must be met:

(1) Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at the intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side.

(2) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side.

(3) All components of the anchoring system be capable of carrying a force of 4,800 pounds.

(4) Any additions to manufactured homes be similarly anchored.

(g) Require that all manufactured homes be placed within Zones A1-30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured ho or above the base floo tion; and be securely to an adequately foundation system in ance with the provision tion 16-107 (f).

SECTION 4: Section of the Code of the Ci mena is hereby ame read as follows:

SUBDIVISION ARDS: The governi shall review all subdi plications and other new developments, manufactured home p subdivisions, and shal findings of fact and that:

(a) All such propo lopments are consist the need to minimize f age.

(b) Subdivision and other proposed lopment (including for manufactured ho and subdivisions) gr five acres or 50 lots, is lesser, include w proposals regulatory in areas designated Z

(c) Adequate drain vided so as to reduc to flood hazards.

(d) All public ut facilities are located minimize or elimin damage.

SECTION 5: Sec of the Code of the mena is hereby an read as follows:

AMENDMENTS. erning body may, fr time, amend this ar flect any and all cha National Flood Di tection Act of 1973. ulations of this art compliance with th Flood Insurance Pr ulation as published of the Code of F ulations.

SECTION 6: Thi shall take effect adoption.

PASSED AND this 4th day of Ap

Monte R. Mayor

ATTEST:
Norma L. Meuzela
City Clerk

AMENDED

ORDINANCE NO. 363

AN ORDINANCE AMENDING FEES CHARGED FOR THE DISPOSAL OF SOLID WASTE WITHIN THE CITY OF ALMENA, KANSAS.

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

SECTION 1: Section 15-519 of the Code of the City of Almena is hereby amended to read as follows:

(a) For each single-family dwelling or each unit of a multiple-family dwelling containing three or less dwelling units - $7.60 per month per dwelling unit.

(b) For each commercial establishment and each multiple-family dwelling containing more than three dwelling units, monthly charges shall be made in accordance with a schedule prepared by the city sanitarian and approved by the governing body, which schedules shall be based upon the volume of refuse generated or the time expended in collection and disposal thereof.

(c) Mobile home courts shall be charged fees established in the same manner and it the same rate as commercial establishments; however, where each mobile home is serviced individually, the normal residential charge of $7.60 per month shall apply.

(d) All owners or occupants of dwelling units, private enterprises and undertakings, other than commercial establishments, not utilizing the city's collection service, shall pay a charge of $3.80 per month for the city's cost of maintaining a solid waste management system.

(e) All commercial establishments not utilizing the city's collection service shall pay a charge of $3.80 per month for the city's cost of maintaining a solid waste management system.

SECTION 2: This ordinance shall be published in the official City newspaper and take effect on January 1, 1989.

PASSED AND APPROVED this 5th of December, 1988.

Monte Montgomery, Mayor

ATTEST:

Norma L. Menzlaar
City Clerk

AFFIDAVIT OF PUBLICATION

Helmi E. Moody, being first duly sworn, deposes and says: That she is publisher of the Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 15 day of December, 19 88, with subsequent publications being made on the following dates:

....., 19.....

....., 19.....

Helmi E. Moody

Subscribed and sworn to before my this 15 day of Dec., 1988

Kenneth D. Chandler
Notary Public

My commission expires Oct. 28, 1992

Kenneth D. Chandler
NOTARY PUBLIC
State of Kansas
MY APPT. EXPIRES 10-28-92

Printer's fee $.....

Additional copies $.....

(Published in the Almena Plaindealer December 15, 1988)

ORDINANCE NO. 363

AN ORDINANCE AMENDING FEES CHARGED FOR THE DISPOSAL OF SOLID WASTE WITHIN THE CITY OF ALMENA, KANSAS.

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

SECTION 1: Section 15-519 of the Code of the City of Almena is hereby amended to read as follows:

(a) For each single-family dwelling or each unit of a multiple-family dwelling containing three or less dwelling units -- $7.60 per month per dwelling unit.

(b) For each commercial establishment and each multiple-family dwelling containing more than three dwelling units, monthly charges shall be made in accordance with a schedule prepared by the city sanitarian and approved by the governing body, which schedules shall be based upon the volume of refuse generated or the time expended in collection and disposal thereof.

(c) Mobile home courts shall be charged fees established in the same manner and at the same rate as commercial establishments; however, where each mobile home is serviced individually, the normal residential charge of $7.60 per month shall apply.

(d) All owners or occupants of dwelling units, private enterprises and undertakings, other than commercial establishments, not utilizing the city's collection service, shall pay charge of $3.80 per month [illegible]

the city's cost of maintaining a solid waste management system.

(e) All commercial establishments not utilizing the city's collection service shall pay a charge of $3.80 per month for the city's cost of maintaining a solid waste management system.

SECTION 2: This ordinance shall be published in the official City newspaper and take effect on January 1, 1989.

PASSED AND APPROVED this 5th of December, 1988.

Monte R. Montgomery,
Mayor

ATTEST:
Norma L. Meuzelaar
City Clerk

AMENDED

ORDINANCE NO. 314

AN ORDINANCE IMPOSING A WATER PROTECTION FEE FOR THE CITY OF ALMENA, KANSAS

WHEREAS, the 1989 Kansas Legislature adopted Senate Bill 398 providing for the financing of the State Water Plan for the purpose of preventing and remedying the pollution of the state's natural resources; and

WHEREAS, Senate Bill 398 requires that the City collect a fee on water useage for transmittal to the Kansas Department of Revenue.

BE IT ORDAINED by the Governing Body of the City of Almena, Kansas:

SECTION ONE: Section 15-224 of the Code of the City of Almena if hereby amended by adding the following subsection:

(c) An additional fee of $.03 per 1,000 gallons of water metered and delivered through mains, lines or pipes after July 1, 1989 shall be collected and transmitted to the Director of Taxation, Kansas Department of Revenue. The City may collect a minimum fee of $.09 per month during those months when meters are not read; provided, however, that the user shall be given credit for any fee collected upon amounts of water not actually used during said period. Collection of the fee shall commence August 1, 1989.

SECTION TWO: This Ordinance shall take affect upon its passage and publication in the official city newspaper.

PASSED AND APPROVED this 3rd day of July, 1989.

Monte Montgomery, Mayor

ATTEST:

AFFIDAVIT OF PUBLICATION

Helmi E. Moody, being first duly sworn, deposes and says: That she is publisher of the Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 6th day of July, 19 89, with subsequent publications being made on the following dates:

....., 19.....

....., 19.....

Helmi E. Moody

Subscribed and sworn to before my this 6 day or July, 1989

Kenneth D Chandler

Notary Public

My commission expires Oct 28 1992

Kenneth D. Chandler
NOTARY PUBLIC
State of Kansas
My Appt. Expires 10-28-92

Printer's fee $.....

Additional copies $.....

(Published in the Almena Plaindealer July 6, 1989)

ORDINANCE NO. 363

AN ORDINANCE IMPOSING A WATER PROTECTION FEE FOR THE CITY OF ALMENA, KANSAS

WHEREAS, the 1989 Kansas Legislature adopted Senate Bill 398 providing for the financing of the State Water Plan for the purpose of preventing and remedying the pollution of the state's natural resources: and

WHEREAS, Senate Bill 398 requires that the City collect a fee on water usage for transmittal to the Kansas Department of Revenue.

BE IT ORDAINED by the Governing Body of the City of Almena, Kansas:

SECTION ONE: Section 15-224 of the Code of the City of Almena is hereby amended by adding the following subsection:

(c) An additional fee of $.03 per 1,000 gallons of water metered and delivered through mains, lines or pipes after July 1, 1989 shall be collected and transmitted to the Director of Taxation, Kansas Department of Revenue. The City may collect a minimum fee of $.09 per month during those months when meters are not read; provided, however, that the user shall be given credit for any fee collected upon amounts of water not actually used during said period. Collection of the fee shall commence August 1, 1989.

SECTION TWO: This Ordinance shall take affect upon its passage and publication in the official city newspaper.

PASSED AND APPROVED this 3rd day of July, 1989.

Monte R. Montgomery
Mayor

ATTEST:
Norma L. Meuzelaar,
City Clerk

ORDINANCE NO. 365

AN ORDINANCE AMENDING THE BUILDING CODE
FOR THE CITY OF ALMENA, KANSAS

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

SECTION 1: SECTION 4-202 of the Code of the City of Almena is hereby amended to read as follows:

UNIFORM BUILDING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment and use and occupancy, location and maintenance of buildings and structures, the Uniform Building Code, 1988 edition as recommended by the International Conference of Building Officials, such code being made a part of the Ordinances and Code of the City as if the same had been set out in full herein, all as authorized in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the Uniform Building Code shall be marked or stamped "official copy as incorporated by the Code of the City of Almena," and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

Any person violating any provision of such code shall be punished as provided in SECTION 1-116 of this code.

SECTION 2: This Ordinance shall take effect upon its adoption and publication in the official city newspaper.

PASSED AND APPROVED this 5th day of September, 1989.

Monte Montgomery, Mayor

ATTEST:

Norma Meuzelaar, City Clerk

AFFIDAVIT OF PUBLICATION

Helmi E. Moody, being first duly sworn, deposes and says: That she is publisher of the Almena Plaindealer, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Norton County, Kansas, with a general paid circulation on a yearly basis in Norton County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year, has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Almena in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 14 day of Sept., 19 89, with subsequent publications being made on the following dates:

....., 19.....

....., 19.....

Helmi E. Moody

Subscribed and sworn to before my this 21 day or Sept, 19 89.

Shad B Chandler

Notary Public

My commission expires 3-13-93

SHAD B. CHANDLER
Notary Public-State of Kansas
My Appt. Exp. 3-13-93

Printer's fee $.....

Additional copies $.....

(Published in the Almena Plaindealer September 14, 1989)

ORDINANCE NO. 365

AN ORDINANCE AMENDING THE BUILDING CODE FOR THE CITY OF ALMENA, KANSAS

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

SECTION 1: SECTION 4-202 of the Code of the City of Almena is hereby amended to read as follows:

UNIFORM BUILDING CODE INCORPORATED. There is hereby adopted and incorporated by reference, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment and use and occupancy, location and maintenance of buildings and structures, the Uniform Building Code, 1988 edition as recommended by the International Conference of Building Officials, such code being made a part of the Ordinances and Code of the City as if the same had been set out in full herein, all as authorized in the manner prescribed by K.S.A. 12-3009 through 12-3012 including any amendments thereto. No fewer than three copies of the Uniform Building Code shall be marked or stamped "official copy as incorporated by the Code of the City of Almena," and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable hours of business.

Any person violating any provision of such code shall be punished as provided in SECTION 1-116 of this code.

SECTION 2: This Ordinance shall take effect upon its adoption and publication in the official city newspaper.

PASSED AND APPROVED this 5th day of September, 1989.

Monte R. Montgomery
Mayor

ATTEST:
Norma L. Meuzelaar
City Clerk

ORDINANCE NO. 379

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF ALMENA, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES, EDITION OF 1995, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS

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

Section 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Almena, Kansas, that certain code known as the "Uniform Public Offense Code", Edition of 1995, 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. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 379," with all section or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

Section 2. AMENDMENT. Section 11-101 of the City Code is hereby amended and replaced by Section 1 of this ordinance.

Section 3. EFFECTIVE DATE. 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 Almena, Kansas, this 6 day of December, 1995.

(SEAL)

James E. Trumbo
James Trumbo, Mayor

ATTEST:

Brenda J Husted
Brenda Husted, City Clerk

Proof of Publication

STATE OF KANSAS

NORTON

COUNTY

SS.

Larry Boyd

of lawful age, being duly sworn upon oath states that he

is the bookkeeper

of The NORTON DAILY TELEGRAM

THAT said newspaper has been published at least two hundred fifty (250) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication;

THAT said paper has a general paid circulation on a daily basis in NORTON County, Kansas, and is

NOT a trade, religious or fraternal publication and has been

PRINTED and published in NORTON County, Kansas,

THE ATTACHED was published on the following dates in a regular issue of said newspaper:

1st
Publication was made on the 16th day of Nov, 1995

2nd
Publication was made on the 21st day of Nov, 1995

3rd
Publication was made on the_____day of_____, 19____

4th
Publication was made on the_____day of_____, 19____

5th
Publication was made on the_____day of_____, 19____

8"(x2) Publication Fee $ 61.60

Affidavit, Notary's Fees $_____

Additional Copies __at __$_____

Total Publication Fee $ 61.60

(Sign) Larry Boyd

Witness my hand this 30 day of Nov, 1995

SUBSCRIBED And Sworn to before me this 30

day of Nov, 1995

Vicki Henderson

Notary Public - State of Kansas
My Appt. Expires 5/20/96

My commission expires

First published in the Norton Daily Telegram on Thursday, Nov. 16, 1995.
2T

ORDINANCE NO. 379
AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF ALMENA, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES", EDITION OF 1995, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS

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

Section 1. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Almena, Kansas, that certain code known as the "Uniform Public Offense Code", Edition of 1995, 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. No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 379," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

Section 2. AMENDMENT. Section 11-101 of the City Code is hereby amended and replaced by Section 1 of this ordinance.

Section 3. EFFECTIVE DATE. 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 Almena, Kansas, this 6th day of November, 1995.

(SEAL)

James Trumbo, Mayor

ATTEST:
Brenda Husted, City Clerk

10-7-2001

ORDINANCE NO. 380

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF ALMENA, KANSAS; INCORPORATING BY REFERENCE THE "STNADARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 1995, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES

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

Section 1. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Almena, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 1995, 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. No fewer than three copies of said Standard Traffic Ordiance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 380," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

Section 2. PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishses a fine in a fine schedule shall not be less than $1.00 nor more than $500.00, except for speeding which shall not be less than $20.00 nor more than $500.00. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed $500.00.

Section 3. AMENDMENT. Section 14-101 of the City Code is hereby amended and replaced by Section 1 of this ordinance.

Section 4. EFFECTIVE DATE. 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 Almena, Kansas, this 6 day of November, 1995.

(SEAL)

James L. Trumbo

James Trumbo, Mayor

ATTEST:

Brenda J. Husted

Brenda Husted, City Clerk

Proof of Publication

STATE OF KANSAS

NORTON

COUNTY

SS.

Larry Boyd

of lawful age, being duly sworn upon oath states that he

is the bookkeeper

of The NORTON DAILY TELEGRAM

THAT said newspaper has been published at least two hundred fifty (250) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication;

THAT said paper has a general paid circulation on a daily basis in NORTON County, Kansas, and is

NOT a trade, religious or fraternal publication and has been

PRINTED and published in NORTON County, Kansas,

THE ATTACHED was published on the following dates in a regular issue of said newspaper:

1st Publication was made on the 16th day of Nov, 1995

2nd Publication was made on the 21st day of Nov, 1995

3rd Publication was made on the ____ day of ____, 19____

4th Publication was made on the ____ day of ____, 19____

5th Publication was made on the ____ day of ____, 19____

11½" Publication Fee $ 88.56

Affidavit, Notary's Fees $ ____

Additional Copies ___ at $ ____

Total Publication Fee $ 88.56

(Sign) Larry Boyd

Witness my hand this 30 day of Nov, 1995

SUBSCRIBED And Sworn to before me this 30

day of Nov, 1995

Vicki Henderson

Notary Public - State of Kansas
My Appt. Expires 5/30/96

My commission expires

First published in the Norton Daily Telegram on Thursday, Nov. 16, 1995.
2T

ORDINANCE NO. 380

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF ALMENA, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES", EDITION OF 1995, WITH CERTAIN OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; PROVIDING CERTAIN PENALTIES

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

Section 1. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the city of Almena, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities", Edition of 1995, 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. No fewer than three copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 380," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable hours. The police department, municipal judge and all administrative departments of the city charged with enforcement of the ordinance shall be supplied, at the cost of the city, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

Section 2. PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than $1.00 nor more than $500.00, except for speeding which shall not be less than $20.00 nor more than $500.00. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed $500.00.

Section 3. AMENDMENT. Section 14-101 of the City Code is hereby amended and replaced by Section 1 of this ordinance.

Section 4. EFFECTIVE DATE. 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 Almena, Kansas, this 6th day of November, 1995.

(SEAL)

James Trumbo, Mayor

ATTEST:

Brenda Husted, City Clerk

ACCEPTANCE OF ORDINANCE NO. 381

CITY OF ALMENA, KANSAS

K N Energy, Inc., a Kansas Corporation, for itself, its successors and assigns, hereby accepts a certain ordinance, designated Ordinance No. 381 passed by the City Council of the City of Almena, Kansas, on January 8, 1996, and approved by the Mayor of said City on said date, and entitled:

ORDINANCE NO. 381

AN ORDINANCE GRANTING TO K N ENERGY, INC., A KANSAS CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT AND AUTHORITY TO CONSTRUCT, INSTALL, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM, INCLUDING MAINS, PIPES, CONDUITS, SERVICES AND OTHER NECESSARY STRUCTURES AND APPLIANCES THERETO APPERTAINING, IN, UNDER, UPON, OVER, ACROSS AND ALONG THE STREETS, ALLEYS BRIDGES AND PUBLIC GROUNDS WITHIN THE PRESENT AND FUTURE CORPORATE LIMITS OF THE CITY OF ALMENA, KANSAS, FOR THE FURNISHING, TRANSMISSION, DISTRIBUTION AND SALE OF GAS WHETHER ARTIFICIAL, NATURAL, MIXED OR OTHERWISE, FOR HEATING, DOMESTIC, INDUSTRIAL AND OTHER PURPOSES, AND FOR TRANSMITTING GAS INTO, THROUGH AND BEYOND SAID CITY; DEFINING THE TERMS UPON WHICH SUCH RIGHT AND AUTHORITY ARE GRANTED; AND PROVIDING FOR THE REPEAL OF ORDINANCE NO. 330, OF SAID CITY, PASSED ON THE 2ND DAY OF SEPTEMBER, 1975.

and the right, authority and franchise therein and thereby granted, all in accordance with the terms and provisions of said Ordinance.

IN WITNESS WHEREOF, K N Energy, Inc., has caused these presents to be duly subscribed in its corporate name by its President or Vice President, and its corporate seal to be hereto affixed and attested by its Secretary or an Assistant Secretary thereunto duly authorized, on January 25, 1996.

ATTEST

Judy Ann DaNiels
Assistant Secretary

(SEAL)

K N ENERGY, INC.

By: [signature]
Vice President

The undersigned hereby certifies that she/he is City Clerk of the City of Almena, that the within and foregoing is a true and correct copy of the Acceptance of Ordinance No. 381 of said City, the original of which acceptance was filed by K N Energy, Inc., in his office on Feb. 1, 1996.

Brenda L Houston
City Clerk

(SEAL)

ORDINANCE NO. 382

AN ORDINANCE AMENDING FINES AND PENALTIES FOR DOGS RUNNING AT LARGE WITHIN THE CITY OF ALMENA, KANSAS AND IMPOSING IMPOUNDMENT FEES

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

SECTION ONE: Section 2-206 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"Running at Large; fine.

(a) It shall be unlawful for the owner or harborer of any dog to permit such dog to run at large within the City at any time;

(b) Any dog running at large within the City shall be impounded as set out in Section 2-207 of the Almena City Code;

(c) The fine for the first offense of permitting a dog to run at large shall be ~~$25.00~~ $50.00; for a second and subsequent offense, the fine for permitting a dog to run at large shall be $50.00;

Amended 8-4-08

(d) A boarding bill of $10.00 or more per day shall be imposed upon the owner or harborer of any dog impounded for running at large and the Court shall assess the same as Court costs. The owner or harborer shall, in addition to the foregoing fines and costs, pay the annual registration fees as set forth in Section 2-201 of the City Code."

SECTION TWO: Section 2-207, subsection (f), of the Code of the City of Almena is hereby amended to read as follows:

" (f) The minimum impoundment fee shall be $10.00 per day."

SECTION THREE: This ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND APPROVED this 3rd day of March, 1997.

CITY OF ALMENA, KANSAS

James L. Trumbo

James Trumbo, Mayor

ATTEST:

Brenda L Husted

Brenda Husted, City Clerk

Proof of Publication

STATE OF KANSAS

NORTON

COUNTY

SS.

Larry Boyd

of lawful age, being duly sworn upon oath states that he

is the bookkeeper

of The NORTON DAILY TELEGRAM

THAT said newspaper has been published at least two hundred fifty (250) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication;

THAT said paper has a general paid circulation on a daily basis in NORTON County, Kansas, and is

NOT a trade, religious or fraternal publication and has been

PRINTED and published in NORTON County, Kansas,

THE ATTACHED was published on the following dates in a regular issue of said newspaper:

1st
Publication was made on the 7 day of March, 1997

2nd
Publication was made on the ____ day of ____, 19____

3rd
Publication was made on the ____ day of ____, 19____

4th
Publication was made on the ____ day of ____, 19____

5th
Publication was made on the ____ day of ____, 19____

7 3/4"

Publication Fee $ 29.84

Affidavit, Notary's Fees $ ____

Additional Copies ____ at $ ____

Total Publication Fee $ 29.84

(Sign) Larry Boyd

Witness my hand this 21 day of March, 1997

SUBSCRIBED And Sworn to before me this 21 day of March, 1997

Betty L Terrell

BETTY L. TERRELL
Notary Public - State of Kansas
My Appt. Expires 4-22-99

My commission expires 4-22-99

Published in the Norton Daily Telegram on Friday, March 7, 1997.

1T

ORDINANCE NO. 382

AN ORDINANCE AMENDING FINES AND PENALTIES FOR DOGS RUNNING AT LARGE WITHIN THE CITY OF ALMENA, KANSAS AND IMPOSING IMPOUNDMENT FEES

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(d) A boarding bill of $10.00 per day shall be imposed upon the owner or harborer of any dog impounded for running at large and the Court shall assess the same as Court costs. The owner or harborer shall, in addition to the foregoing fines and costs, pay the annual registration fees as set forth in Section 2-201 of the City Code."

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SECTION THREE: This ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND APPROVED this 3rd day of March, 1997.

CITY OF ALMENA, KANSAS
James Trumbo, mayor

ATTEST:
Brenda Husted, City Clerk

ORDINANCE NO. 383

ORDINANCE ESTABLISHING MUNICIPAL RESERVE FUND FOR THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

SECTION ONE: The City of Almena, Kansas, under authority of K.S.A. 12-1, 117, does hereby establish an equipment reserve fund to finance the acquisition of equipment, machinery, vehicles and other personal property, including, but not limited to, computer hardware and software which the City is authorized to purchase for Municipal purposes.

SECTION TWO: Monies may be budgeted and transferred to the equipment reserve fund created hereby from any source which may be lawfully utilized for such purposes.

SECTION THREE: Monies credited to the equipment reserve fund from annually budgeted transfers shall not be subject to the provisions of K.S.A. 79-2925 to K.S.A. 79-2937, inclusive, and amendments thereto.

SECTION FOUR: This ordinance shall take effect upon its adoption.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, on this 3 day of March, 1997.

CITY OF ALMENA

James E. Trumbo

James Trumbo, Mayor

ATTEST:

Brenda S. Husted

Brenda Husted, City Clerk

Proof of Publication

STATE OF KANSAS

NORTON

COUNTY

SS.

Larry Boyd

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4th
Publication was made on the ____ day of ____, 19____

5th
Publication was made on the ____ day of ____, 19____

5½" Publication Fee $ 21.18

Affidavit, Notary's Fees $ ____

Additional Copies ___ at ___ $ ____

Total Publication Fee $ 21.18

(Sign) Larry Boyd

Witness my hand this 21 day of March, 1997

SUBSCRIBED And Sworn to before me this 21 day of March, 1997

Betty L Terrell

BETTY L. TERRELL
Notary Public - State of Kansas
My Appt. Expires 4-22-99

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Published in the Norton Daily Telegram on Friday, March 7, 1997.

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SECTION TWO: Monies may be budgeted and transferred to the equipment reserve fund created hereby from any source which may be lawfully utilized for such purposes.

SECTION THREE: Monies credited to the equipment reserve fund from annually budgeted transfers shall not be subject to the provisions of K.S.A. 79-2925 to K.S.A. 79-2937, inclusive, and amendments thereto.

SECTION FOUR: This ordinance shall take effect upon its adoption.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, on this 3rd day of March, 1997.

CITY OF ALMENA
James Trumbo, Mayor

ATTEST:
Brenda Husted, City Clerk

ORDINANCE NO. 384

Amended to Ord #406

AN ORDINANCE AMENDING RATES CHARGED FOR USE OF WATER WITHIN THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

SECTION ONE: Section 15-224 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

RATES. The rates per month for the use of water in the City shall be as follows:

(a) For customers within the City: $13.50 per month for the first 3,000 gallons used, and an additional $1.00 per 1,000 gallons used over the 3,000 gallon minimum.

(b) For customers outside the City: $18.00 for the first 3,000 gallons of water used and an additional $1.00 per 1,000 gallons used over the 3,000 gallon minimum.

SECTION TWO: Ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE: This ordinance shall be published in the official City newspaper and take effect on October 15th, 1997.

PASSED AND APPROVED this 6th day of October, 1997.

CITY OF ALMENA, KANSAS

James Trumbo

James Trumbo, Mayor

ATTEST:

Beth Bishop

Almena City Clerk

Proof of Publication

STATE OF KANSAS

NORTON

COUNTY

SS.

Larry Boyd

of lawful age, being duly sworn upon oath states that he

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THAT said paper has a general paid circulation on a daily basis in NORTON County, Kansas, and is

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PRINTED and published in NORTON County, Kansas,

THE ATTACHED was published on the following dates in a regular issue of said newspaper:

1st
Publication was made on the 15 day of October, 19 97

2nd
Publication was made on the _____ day of _____, 19____

3rd
Publication was made on the _____ day of _____, 19____

4th
Publication was made on the _____ day of _____, 19____

5th
Publication was made on the _____ day of _____, 19____

6" Publication Fee $ 23.10

Affidavit, Notary's Fees $ _____

Additional Copies _____ at _____ $ _____

Total Publication Fee $ 23.10

(Sign) Larry Boyd

Witness my hand this 22 day of October, 19 97

SUBSCRIBED And Sworn to before me this 22nd

day of October, 19 97

Cynthia J Linner

CYNTHIA J. LINNER
NOTARY PUBLIC
STATE OF KANSAS
MY APPT. EXPIRES 1-21-98

Published in the Norton Daily Telegram on Wednesday, October 15, 1997.

1T

ORDINANCE NO. 384

AN ORDINANCE AMENDING RATES CHARGED FOR USE OF WATER WITHIN THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

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(a) For customers within the City: $13.50 per month for the first 3,000 gallons used, and an additional $1.00 per 1,000 gallons used over the 3,000 gallon minimum.

(b) For customers outside the City: $18.00 for the first 3,000 gallons of water used and an additional $1.00 per 1,000 gallons used over the 3,000 gallon minimum.

SECTION TWO: Ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE: This ordinance shall be published in the official City newspaper and take effect on October 15, 1997.

PASSED AND APPROVED this 6th day of October, 1997.

CITY OF ALMENA, KANSAS
James Trumbo, Mayor

ATTEST:
Beth Bishop
Almena City Clerk

Amended to 394 - 13.65
Amended to 407 - 17.90

Ord
~~385~~ 407

ORDINANCE NO. 385

AN ORDINANCE AMENDING SOLID WASTE COLLECTION AND DISPOSAL CHARGES WITHIN THE CITY OF ALMENA, KANSAS

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

Section One: Section 15-519 of the code of the City of Almena, Kansas, is hereby amended to read as follows:

FEE SCHEDULE:

(a) For each single-family dwelling or each unit of a multiple-family dwelling containing three or less dwelling units, $11.65 per month will be charged.

(b) For each commercial establishment and each multi-family dwelling containing more than three dwelling units, monthly charges shall be made in accordance with a schedule prepared and approved by the governing body, which schedule shall be based upon the volume of refuse generated or the time expended in collection and disposal thereof. For those establishments or dwelling units utilizing trash dumpster, the charge shall be 50 percent of the prevailing tipping fee assessable by the Norton County Landfill for the rated dumpster capacity. Solid waste placed for collection which exceeds the capacity of the dumpster at the time of collection will be assessed an extra pick up charge.

(c) Mobile home courts shall be charged fees established in the same manner and at the same rate as commercial establishments; however, for each mobile home that is serviced individually, the normal residential charge of $11.65 per month shall apply.

(d) Commercial establishments or multiple-family dwelling units containing more than three dwelling units requesting and receiving collection service outside the corporate limits of the City of Almena shall be charged 75% percent of the prevailing tipping fee assessable by the Norton County Landfill for the rated dumpster capacity. Commercial establishments and each multi-family dwelling containing more than three dwelling units requesting and receiving collection service outside the City of Almena not utilizing dumpsters shall be charged $14.15 for collection of no more than three trash cans; collection exceeding three trash cans shall be assessed an extra pick up charge. Single family dwellings and each unit of a multi-family dwelling containing three or less dwelling units requesting and receiving collection service outside the corporate limits of the City of Almena shall pay a charge of $14.15 per month.

Section Two: The provisions of Ordinance No. 376 are hereby repealed.

Section Three: This ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND APPROVED this 5th day of January, 1998.

James Trumbo, Mayor

ATTEST:

Beth Bishop, City Clerk

AMENDED #406 #407

ORDINANCE NO. 385
SCHEDULE A

For each commercial establishment and multi-family dwelling containing more than three dwelling units, requesting and receiving collection service either inside or outside the corporate limits of the City of Almena, and utilizing a dumpster, the following fee schedule shall apply:

DUMPSTER CAPACITY	FEE PER LOAD
1 Yard	$3.45
2 Yard	$6.90
3 Yard	$10.35

Proof of Publication

STATE OF KANSAS

NORTON

COUNTY

ss.

Larry Boyd

of lawful age, being duly sworn upon oath states that he

is the bookkeeper

of The NORTON DAILY TELEGRAM

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PRINTED and published in NORTON County, Kansas,

THE ATTACHED was published on the following dates in a regular issue of said newspaper:

1st
Publication was made on the 15 day of January, 19 98

2nd
Publication was made on the ____ day of ____, 19____

3rd
Publication was made on the ____ day of ____, 19____

4th
Publication was made on the ____ day of ____, 19____

5th
Publication was made on the ____ day of ____, 19____

12½" Publication Fee $ 48.13

Affidavit, Notary's Fees $ ____

Additional Copies --at --$ ____

Total Publication Fee $ 48.13

(Sign) Larry Boyd

Witness my hand this 20 day of January, 1998

SUBSCRIBED And Sworn to before me this 28

day of Jan, 19 98.

Patti Long

PATTI LONG
Notary Public State of Kansas
My Appt. Expires 1-17-2000

My commission expires ____

Published in the Norton Daily Telegram on Thursday, January 15, 1998.

1T

ORDINANCE NO. 385

AN ORDINANCE AMENDING SOLID WASTE COLLECTION AND DISPOSAL CHARGES WITHIN THE CITY OF ALMENA, KANSAS

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(b) For each commercial establishment and each multi-family dwelling containing more than three dwelling units, monthly charges shall be made in accordance with a schedule prepared and approved by the governing body, which schedule shall be based upon the volume of refuse generated or the time expended in collection and disposal thereof. For those establishments or dwelling units utilizing trash dumpster, the charge shall be 50 percent of the prevailing tipping fee assessable by the Norton County Landfill for the the capacity of the dumpster. Solid waste time of collection will be assessed an extra pick up charge.

(c) Mobile home courts shall be charged fees established in the same manner and at the same rate as commercial establishments; however, for each mobile home that is serviced individually, the normal residential charge of $11.65 per month shall apply.

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Section Two: The provisions of Ordinance No. 376 are hereby repealed.

Section Three: This ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND APPROVED this 5th day of January, 1998.

James Trumbo, Mayor

ATTEST:
Beth Bishop, City Clerk

ORDINANCE NO. 386

AN ORDINANCE GRANTING TO SOUTHWESTERN BELL TELEPHONE COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE AND THE RIGHT TO CONSTRUCT, OPERATE, MAINTAIN AND EXTEND A TELECOMMUNICATIONS SYSTEM IN THE CITY OF ALMENA, KANSAS, PRESCRIBING THE TERMS OF SAID GRANT AND RELATING THERETO; AND REPEALING ORDINANCE 291 AND ALL OTHER ORDINANCES AND RESOLUTIONS AND PARTS THEREOF INCONSISTENT OR IN CONFLICT WITH THE TERMS HEREOF.

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

SECTION 1
DEFINITIONS

For purposes of this ordinance, the following words and phrases shall have the meanings given herein:

(a) **"Access Lines"** shall mean the following billed main lines and trunks, whether provided on a retail or wholesale basis: residential lines; business lines; ISDN lines (channels); PBX trunks; Centrex or Centrex-like stations; simulated exchange access lines provided by a central office based switching arrangement where all stations served by such simulated exchange access lines are used by a single customer of the provider of such arrangement; where stations are served by simulated exchange access lines provided by a central office based switching arrangement and the stations served are not used by a single customer of the provider of such arrangement, each station shall constitute an access line; and pay phone lines. "Access Line" shall include wireless telecommunication services subject to 47 C.F.R. Part 24. "Access Line" shall not including the following: wireless telecommunication services subject to 47 C.F.R. Part 22; unbundled loop facilities; and special access services.

(b) **"City"** shall mean the City of Almena, Kansas.

(c) **"Cable Service"** means the one way transmission to subscribers of video programming, or other programming service, and subscriber interaction, if any, which is required for selection and use of such video programming or other programming service. Cable Service does not include point to point, point to multi-point, and switched video services that Telephone Company has historically offered or other similar services that Telephone Company may in the future offer.

(d) **"Facilities"** shall mean telephone and telecommunication lines, conduits, fiber optic cables, wires, cables, pipes, poles, towers, vaults, and appliances, either under or above ground.

(e) **"Public improvement"** shall mean any existing or contemplated public facility, building, or capital improvement project, including without limitation streets, alleys, sidewalks, sewer, water, drainage, rights-of-way improvement, and public projects.

(f) **"Public project"** shall mean any project planned or undertaken by the City or any governmental entity for construction, reconstruction, maintenance or repair of public facilities or improvements or any other purpose of a public nature.

(g) **"Rights-of-way"** shall mean present and future streets, alleys, rights-of-way, and public easements, including easements dedicated in plats of the City of Almena, Kansas.

(h) **"Street rights-of-way"** shall mean the entire width between property lines of land, property or an interest therein of every way publicly maintained where any part thereof is open to the use of the public for purposes of vehicular traffic, including street, avenue, boulevard, highway, expressway, alley or any other public way for vehicular travel by whatever name.

(i) **"Telecommunications"** - The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

(j) **"Telecommunications Service"** - The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(k) **"Telephone Company"** shall mean Southwestern Bell Telephone Company, its successors and assigns.

SECTION 2
GRANT

(a) There is hereby granted to Telephone Company the right, privilege and franchise to construct, maintain, extend and operate its facilities, in, through and along the rights-of-way for the purpose of supplying Telecommunications Services to the City and the inhabitants thereof for the full term of this franchise; subject, however, to the terms and conditions herein set forth.

(b) This franchise does not provide the Telephone Company the right to provide "Cable Service" to City and inhabitants thereof. For purposes of this ordinance, "Cable Service" is defined as the one-way transmission to subscribers of video programming or other programming services, and subscriber interaction, if any, which is required for the selection of such video programming or other programming service; but "Cable Service" does not include point to point, point to multi-point, and switched video services that Telephone Company has historically offered or other similar services that Telephone Company may in the future offer. Nothing in this franchise is intended to preclude the City from seeking, or authorize the City to seek, a franchise from any subsidiary, affiliate, or third party providing "Cable Services." Telephone Company and City agree that nothing in this franchise is intended to authorize the City to seek from Telephone Company nor to require Telephone Company to obtain a franchise to offer "Open Video Systems"

as that term is used in section 653 of the Telecommunications Act of 1996 (codified at 47 U.S.C. 573). Telephone Company and City further agree, however, that this ordinance does not authorize Telephone Company to offer "Open Video Systems" without paying the fee on the gross revenues of the system operator for the provision of cable service in lieu of a franchise fee, pursuant to and in the manner described in 47 U.S.C. 573(c) (2) (b) and without complying with FCC regulations promulgated pursuant to 47 U.S.C. 573.

(c) Upon written request from Telephone Company, the City agrees to begin negotiations in good faith with Telephone Company within thirty (30) days to provide Telephone Company a franchise to provide "Cable Service" to the City and inhabitants thereof on terms no more burdensome than the franchise(s) granted to other providers of "Cable Service" with the City.

SECTION 3
USE OF RIGHTS-OF-WAY

In the use of rights-of-way under this franchise, the Telephone Company shall be subject to all rules, regulations, policies, resolutions and ordinances now or hereafter adopted or promulgated by the City in the reasonable exercise of its police power. In addition, the Telephone Company shall be subject to all rules, regulations, policies, resolutions, and ordinances now or hereafter adopted or promulgated by the City relating to permits and fees, sidewalk and pavement cuts, utility location, construction coordination, beautification, and other requirements on the use of rights-of-way and shall comply with the following:

(a) The Telephone Company's use of rights-of-way shall in all matters be subordinate to the City's use of rights-of-way for any public purpose. The Telephone Company shall coordinate placement of its facilities in a manner which minimizes adverse impact on public improvements, as reasonably determined by the City. Where placement is not otherwise regulated, facilities shall be placed with adequate clearance from such public improvements so as not to impact or be impacted by such public improvement.

(b) All earth, materials, sidewalks, paving, crossings, utilities, public improvements, or improvements of any kind, injured or removed by the Telephone Company in its activities under this franchise, shall be fully repaired or restored promptly by the Telephone Company at its sole expense and to the reasonable satisfaction of the City or owner thereof.

(c) All facilities constructed, replaced, or relocated in the right-of-way after the date hereof shall be placed underground unless otherwise agreed to by the City. Where there are obstructions in the right-of-way such as trees, shrubs, other utilities, commercial signs, man-made structures, or other like obstructions which make the cost of such underground burial unreasonable, the Telephone Company may request waiver of this requirement, in which event the City will not unreasonably withhold consent. Any vaults, boxes, pedestals, and similar facilities placed above ground in street right-of-way shall be located behind the sidewalk where feasible.

(d) The Telephone Company shall keep and maintain accurate records and as-built drawings depicting accurate horizontal and vertical location of all facilities constructed, reconstructed, or relocated in the street right-of-way after the date hereof and provide location information regarding specific future project locations to the City upon request. Where such information is available electronically, upon request from the City, Telephone Company agrees to provide such information in an electronic format. (City agrees to use information only to locate utility facilities in connection with municipal projects and further agrees not to disclose such information to anyone other than City employees requiring such information to locate utility facilities in connection with municipal projects, except as required by law. Telephone Company and City agree that such information is confidential and proprietary and agree that such information shall remain the sole property of the Telephone Company and agree that pursuant to K.S.A. 45-221(12), (18), as amended, such information does not constitute public records subject to K.S.A. 45-218, as amended. In the event that City is required by law to disclose such information, City shall provide the Telephone Company seven (7) days advance notice of its intended disclosure of such information and shall take such action as may be reasonably required to cooperate with the Telephone Company to safeguard such information. The Telephone Company agrees to indemnify and hold the City harmless from any and all penalties or costs, including attorney's fees, arising from the actions of the Telephone Company, or of the City at the written request of the Telephone Company, in seeking to safeguard the confidentiality of information provided by Telephone Company to City under this section. In the event such information is required by force of law to be publicly disclosed, the Telephone Company shall have no further obligation under this section to provide the City with such information). Such facilities shall be horizontally and vertically located at least every 100 feet and at any other alignment change. All points of facilities shall be horizontally located from street centerline, or section or quarter section lines or corners. Vertical locations or all points of facilities shall consist of elevations in either City datum or United States Geological Survey datum.

(e) All work performed in the traveled way or which in any way impacts vehicular or pedestrian traffic shall be properly signed, barricaded, and otherwise protected. Such signing shall be in conformance with the latest edition of the Federal Highway Administration's Standards and Guideline for Work Zone Traffic Control, unless otherwise agreed to by the City.

(f) The Telephone Company shall notify the City not less than three (3) working days in advance (such notice to be adequate for timely notice on the governing body agenda under City procedures) of any construction, reconstruction, repair, or relocation of facilities which would require any street closure which reduces traffic flow to less than two lanes of moving traffic. Except in the event of an Emergency, as reasonably determined by the Telephone Company, no such closure shall take place without prior authorization from the City.

(g) The Telephone Company shall cooperate promptly and fully with the City and take all reasonable measures necessary to provide accurate and complete information regarding the nature and horizontal and vertical location of its facilities located within rights-of-way when requested by the City or its authorized agents for a public project. Such location and identification shall be at the sole expense of the Telephone Company without expense to the City, its employees, agents, or authorized contractors. The Telephone Company shall designate and maintain a local agent, familiar with the facilities, who is responsible for satisfying information needs of the City and other users of the rights-of-way.

(h) The Telephone Company shall promptly remove, relocate, or adjust any facilities located in rights-of-way if reasonably necessary and directed by the City for a public project. Such removal, relocation, or adjustment for a particular public project shall be performed by the Telephone Company once at its sole expense without expense to the City, its employees, agents, or authorized contractors and shall be specifically subject to rules and regulations of the City pertaining to such. If additional removal, relocation, or adjustment is the result of the inaccurate or mistaken information of the Telephone Company, the Telephone Company shall be responsible for such at its sole expense.

(i) It shall be the responsibility of the Telephone Company to take adequate measures to protect and defend its facilities in the rights-of-way from harm or damage. If the Telephone Company fails to accurately or timely locate facilities when requested, it has no claim for costs or damages against the City and its authorized contractors unless such party is solely responsible for the harm or damage by its negligence or intentional conduct. Telephone Company shall be responsible to the City and its agents, representatives, and authorized contractors for all damages including, but not limited to, delay damages, repair costs, down time, construction delays, penalties or other expenses of any kind arising out of the failure of the Telephone Company to perform any of its obligations under this agreement unless the damaged party is solely responsible for the harm or damage by its negligence or intentionally caused harm. However, the City and its authorized contractors shall be responsible to take reasonable precautionary measures including calling for utility locations and observing marker posts when working near Telephone Company facilities.

(j) The Telephone Company, on the request of any applicant, shall remove or raise or lower its wires temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering of wires shall be paid by the party or parties requesting the same, and the Telephone Company may require such payment in advance. The Telephone Company shall be given not less than fifteen (15) days' written notice from the applicant detailing the time and location of the moving operations, and not less than twenty-four (24) hours' advance notice from the applicant advising of the actual operation. The City shall not be liable for any such expense or notice requirement for the moving of houses or structures by the City or its contractors.

(k) Permission is hereby granted to the Telephone Company to trim trees upon and overhanging streets, alleys, sidewalks and public places of said City so as to

prevent the branches of such trees from coming in contact with the wires and cables of the Telephone Company, all of said trimming to be done under the supervision and direction of any City officials to whom said duties have been or may be designated in accordance with Almena City Code.

(l) All technical standards governing construction, reconstruction, installation, operation, testing, use, maintenance, and dismantling of the facilities in the rights-of-way shall be in accordance with applicable present and future federal, state, and City laws and regulations, including but not limited to the most recent editions of the National Electrical Code, the National Electrical Safety Code, and the Fiber Optic Cable Installation Standard of the Telecommunications Industry Committee, or such substantive equivalents as may hereafter be adopted or promulgated. It is understood that the standards established in this paragraph are minimum standards and the requirements established or referenced in this ordinance may be additional to or stricter than such minimum standards.

(m) The City encourages the conservation of right-of-way by the sharing of space by all utilities. To the extent required by Federal or State law, the Telephone Company shall permit any other franchised entity by appropriate contract or agreement negotiated by the parties to use any and all facilities constructed or erected by the Telephone Company. All said agreements and installations shall be subject to all existing and future ordinances and regulations of the City. Telephone Company agrees that it will not grant any entity rights to occupy the rights-of-way without providing notice to the City. Nothing in this section shall be construed as requiring Telephone Company to provide City notice when it provides Telecommunications Services to any entity.

SECTION 4
INDEMNITY AND HOLD HARMLESS

The Telephone Company shall hold and save the City, its officers, employees, agents, and authorized contractors, harmless from and against all claims, damages, expense, liability and costs including attorney fees, to the extent occasioned in any manner by the Telephone Company's occupancy of rights-of-way, except to the extent otherwise specified in section 3(i). In the event a claim shall be made or an action shall be instituted against the City growing out of such occupancy of the right-of-way by facilities of the Telephone Company, then upon notice by the City to the Telephone Company, the Telephone Company will assume liability for the defense of such actions at the cost of the Telephone Company, subject to the option of the City to appear and defend, at its own cost, any such case.

SECTION 5
PAYMENTS AND CHARGES

The payments herein provided shall be in lieu of all other licenses, taxes, charges, fees or impositions, except that the usual general property taxes and special ad valorem property taxes, and any charges for pavement cuts or other charges based on restoring premises to their same condition, or charges made for privileges which are not in any

way connected with telephone business, as such, will be imposed on the Telephone Company, and are not covered by the payments herein. The Telephone Company shall have the privilege of crediting such sums payable hereunder with any unpaid balance due said Telephone Company for telephone service rendered or facilities furnished to said City; provided, that said balance due is liquidated and uncontested.

SECTION 6
COMPENSATION TO CITY

(a) In consideration of the franchise granted to Telephone Company by City, Telephone Company agrees to pay to City, a sum of 4 cents ($.04) per month for each access line served by Telephone Company for local service within the city limits of City. Compensation required by this franchise shall be paid on an annual basis and shall become due and payable sixty (60) days after the end of the first year with the first payment due August 30, 1999. The first payment of this ordinance will include compensation for the extension period of ordinance No. 291, from April 1, 1998 to June 30, 1998 as agreed upon by the City and Telephone Company. The number of access lines as of June 30 shall be used to calculate payments to City for the following year.

(b) If during the term of this ordinance any entity provides Local Service in City and provides compensation to City at an amount less than the Telephone Company is required to pay under section 6(a) per month for each access line within the City or provides no compensation to City for each such access line, this ordinance shall require compensation no greater than such amounts, if any, during such time remaining of the term of this ordinance that the lesser compensation, if any, is paid by such other entity.

(c) The parties agree that if federal law or state law is enacted setting forth a maximum allowable level of compensation for franchise rights and if such maximum allowable level is less than the level of compensation required by this ordinance, this ordinance shall require Telephone Company to pay the reduced level required by law the remainder of the term of this ordinance.

(d) If during the term of this ordinance, Telephone Company believes that it is entitled to reduction in compensation pursuant to subsections (b) and (c) above, Telephone Company agrees to notify City in writing and agrees that it will continue to pay City the monthly rate set forth in section 6(a) for each access line served by Telephone Company for Local Service within the city of City until final agreement is reached with the City sixty (60) days following such notice to City.

(e) The Telephone Company shall correctly code all customers that are located within the corporate limits of the City, provided that the City shall give Telephone Company notice of boundary changes as provided below. Coding shall be updated to reflect annexation and other changes in City boundaries, and the associated changes in customers and access lines, within thirty (30) days of the date City provides Telephone Company written notice of the annexation or other changes in boundaries and a listing of addresses affected by such changes. Such notice shall be sent to Southwestern Bell Telephone Company, 823 Quincy, Room

801, Topeka, Kansas 66612. In the event of annexations, Telephone Company may request additional time in writing to re-code customers, which request will not be unreasonably denied.

SECTION 7
COLLECTION OF COMPENSATION

This franchise may be terminated by the Telephone Company if authority to collect the amounts of such payments, or part of such payments, from its customers within the City shall be removed, canceled or withdrawn by legislative, judicial or regulatory act. City and Telephone Company acknowledge and agree that Telephone Company has collected and paid City all amounts due and owing for Telephone Company's use and occupancy of City rights-of-way at all times prior to July 1, 1998.

SECTION 8
ATTACHMENT TO POLES

Nothing in this ordinance shall be construed to require or permit any telephone, electric light or power wire attachments by either the City or the Telephone Company on the poles of the other. If such attachments are desired by the City or the Telephone Company, then a separate non-contingent agreement shall be prerequisite to such attachments.

SECTION 9
TERMINATION OF FRANCHISE

In case of failure on the part of Southwestern Bell Telephone, its successors and assigns, to comply with any of the provisions of this ordinance, or if Southwestern Bell Telephone, it successors and assigns, should do or cause to be done any act or thing prohibited by or in violation of the terms of this ordinance, Southwestern Bell Telephone, its successors and assigns, shall forfeit all rights and privileges and granted by this ordinance and all rights hereunder shall cease, terminate and become null and void, provided that said forfeiture shall not take effect until the City of Almena shall carry out the following proceedings. Before the City of Almena proceeds to forfeit said franchise, as in this section prescribed, it shall first serve a written notice upon the manager of Southwestern Bell Telephone Company at its principal office in the City of Almena, and upon the trustee or trustees in any deed of trust securing bonds of Southwestern Bell Telephone of record in Norton County, Kansas, by mailing notice to such trustee or trustees to the address designated in such trust deed, setting forth in detail in such notice the neglect or failure complained of, and Southwestern Bell Telephone shall have ninety days thereafter in which to comply with the conditions of this franchise. If at the end of such ninety-day period the City of Almena deems that the conditions of such franchise have not been complied with by Southwestern Bell Telephone and that such franchise is subject to cancellation by reason thereof, the City of Almena, in order to terminate such franchise, shall enact an ordinance setting out the grounds upon which said franchise or agreement is to be canceled or terminated. If within thirty days after the effective date of said ordinance Southwestern Bell Telephone shall not have instituted an action, either in the District Court of Norton County, Kansas,

or some other court of competent jurisdiction to determine whether or not Southwestern Bell Telephone has violated the terms of this franchise and that the franchise is subject to cancellation by reason thereof, such franchise shall be canceled and terminated at the end of such thirty-day period. If within such thirty-day period Southwestern Bell Telephone does institute action, as above provided, to determine whether or not Southwestern Bell Telephone has violated the terms of this franchise and that the franchise is subject to cancellation by reason thereof and prosecutes such action to final judgment with due diligence, then, in that event, in case the court finds that the franchise is subject to cancellation by reason of the violation of its terms, this franchise shall terminate thirty days after such final judgment is rendered.

PROVIDED, however, that the failure of Southwestern Bell Telephone to comply with any of the provisions of this ordinance or the doing or causing to be done by Southwestern Bell Telephone of anything prohibited by or in violation of the terms of this ordinance shall not be a ground for the forfeiture thereof when such act or omission on the part of Southwestern Bell Telephone is due to any cause or delay beyond the control of Southwestern Bell Telephone, its successors and assigns, or to bona fide legal proceedings.

SECTION 10
RIGHTS AND DUTIES OF GRANTEE UPON EXPIRATION OF FRANCHISE

Upon expiration of this franchise, whether by lapse of time, by agreement between the Telephone Company and the City of Almena, or by forfeiture thereof, the Telephone Company shall have the right to remove from public property any and all of its lines, poles, towers and other appurtenances and equipment used in its said business within a reasonable time after such expiration, but in such event, it shall be the duty of the Telephone Company, immediately upon such removal, to restore the streets, avenues, alleys, parks and other public ways and grounds from which said lines, poles, towers, other appurtenances and other equipment are removed to as good condition as the same were before said removal was effected.

SECTION 11
TERM AND TERMINATION DATE

The term of this franchise shall be three (3) years commencing July 1 1998. The Telephone Company or City, at its option, shall have the right to extend this franchise upon the same terms and conditions for a subsequent term of three (3) years, by providing written notice of its desire to extend the franchise not later than one hundred and eighty (180) days prior to the expiration of the initial term. The Telephone Company or City may reject the additional term by providing written notice within ninety (90) days of receipt of written notice of its desire to extend the franchise. The additional term shall be deemed a continuation of this franchise and not as a new franchise or amendment.

SECTION 12
ACCEPTANCE OF TERMS BY THE TELEPHONE COMPANY

The Telephone Company shall have sixty (60) days after the final passage and approval of this ordinance to file with the City Clerk of the City of Almena its acceptance in writing of the provisions, terms and conditions of this ordinance, which acceptance shall be duly acknowledged before some officer authorized by law to administer oaths; and when so accepted the ordinance and acceptance shall constitute a contract between the City of Almena and the Telephone Company subject to the provisions of the laws of the State of Kansas.

SECTION 13
RIGHT TO ASSIGN

This franchise shall be assignable only in accordance with the laws of the State of Kansas, as the same may exist at the time when any assignment is made.

SECTION 14
CONDITIONS OF FRANCHISE

This contract, franchise, grant and privilege is granted and accepted under and subject to all applicable laws and under and subject to all of the orders, rules and regulations now or hereafter adopted by governmental bodies now or hereafter having jurisdiction, each and every provision hereof shall be subject to Acts of God, fires, strikes, riots, floods, war and other causes beyond the Telephone Company's control. This franchise shall not be exclusive.

SECTION 15
INVALIDITY OF ORDINANCE

If any clause, sentence, or section of this ordinance shall be held to be invalid, it shall not affect the remaining provisions of this ordinance.

SECTION 16
VENUE

This agreement shall be construed under and in accordance with the laws of the State of Kansas, and all obligations of the parties hereunder are performable in Norton County, Kansas. In the event that any legal proceeding is brought to enforce the terms of this agreement, the same shall be brought in Norton County, Kansas limited to state court action. Nothing in Section 16 shall be construed to limit or restrict Telephone Company right to initiate action in federal court (Kansas District) or to remove a state court action to federal court (Kansas District).

SECTION 17
NOTICE

For the purpose of this agreement, notice to the City will be to:

City Manager
City of Almena
P.O. Box 277
Almena, KS 67622

Notice to the Telephone Company will be to:

Southwestern Bell Telephone
Area Manager-Municipal Affairs
220 E 6th, Room 505
Topeka, KS 66603

Notice will be effective upon delivery by hand delivery or by first class mail to the above address until the City or the Telephone Company notifies the other, in writing, of a change in address.

SECTION 18
REPEAL OF ORDINANCE 291

Ordinance 291 shall be canceled, annulled, repealed and set aside.

SECTION 19
PUBLIC PURPOSE

All of the regulations provided in this ordinance are hereby declared to be for a public purpose and the health, safety, and welfare of the general public. Any member of the governing body or City official or employee charged with enforcement of this ordinance, acting for the City in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his said duties. Neither the City nor the Telephone Company by accepting this ordinance waives its right to seek all appropriate legal and equitable remedies as allowed by law upon violation of the terms of this ordinance, including seeking injunctive relief in a court of competent jurisdiction.

PASSED AND APPROVED by the City Council of the City of Almena, Kansas, this 6th day of April, 1998.

By:

_____

James E Trumbo Mayor of Almena

ATTEST:

By: Beth Driggs, City Clerk

ATTEST: (SEAL)

APPROVED AS TO FORM:

By: _____

ACCEPTANCE
ORDINANCE NO. 386

WHEREAS, the governing body of the City of Almena, Kansas, did on the 6th day of April, 1998, adopt and pass an ordinance entitled:

> "AN ORDINANCE GRANTING TO SOUTHWESTERN BELL TELEPHONE COMPANY, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE AND THE RIGHT TO CONSTRUCT, OPERATE, MAINTAIN AND EXTEND A TELECOMMUNICATIONS SYSTEM IN THE CITY OF ALMENA, KANSAS, PRESCRIBING THE TERMS OF SAID GRANT AND RELATING THERETO; AND REPEALING ORDINANCE 291 AND ALL OTHER ORDINANCES AND RESOLUTIONS AND PARTS THEREOF INCONSISTANT OR IN CONFLICT WITH THE TERMS HEREOF."

WHEREAS, said ordinance was duly signed by the mayor of said City of Almena, Kansas, and the seal of said City affixed and attested thereto by the City Clerk of the said City, Almena, and

WHEREAS, said ordinance further provided that it should be in full force and effect after its adoption and publication and its acceptance by the Southwestern Bell Telephone Company.

NOW, THEREFORE, in compliance with the terms of said ordinance so enacted and so approved and attested, the Southwestern Bell Telephone Company hereby accepts said ordinance and files this its written acceptance with the City Clerk of said City in her said office.

Dated this ____ day of June, 1998.

SOUTHWESTERN BELL TELEPHONE COMPANY

By: _____
President-Kansas

Acceptance filed in the office of the City Clerk of Almena, Kansas, this 22nd day of June, 1998.

_____
City Clerk

Proof of Publication

STATE OF KANSAS

NORTON

COUNTY

SS.

Larry Boyd

of lawful age, being duly sworn upon oath states that he

is the bookkeeper

of The NORTON DAILY TELEGRAM

THAT said newspaper has been published at least two hundred fifty (250) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication;

THAT said paper has a general paid circulation on a daily basis in NORTON County, Kansas, and is

NOT a trade, religious or fraternal publication and has been

PRINTED and published in NORTON County, Kansas,

THE ATTACHED was published on the following dates in a regular issue of said newspaper:

1st Publication was made on the 2 day of June, 19 98

2nd Publication was made on the 9 day of June, 19 98

3rd Publication was made on the ____ day of ____, 19____

4th Publication was made on the ____ day of ____, 19____

5th Publication was made on the ____ day of ____, 19____

115.25

Publication Fee $ 887.42

Affidavit, Notary's Fees $ ____

Additional Copies ___ at ___ $ ____

Total Publication Fee $ 887.42

(Sign) Larry Boyd

Witness my hand this 10 day of June, 19 98

SUBSCRIBED And Sworn to before me this 10 day of June, 19 98

Betty L Terrell

BETTY L. TERRELL
Notary Public - State of Kansas
My Appt. Expires 4-22-99

My commission expires 4-22-99

Week 5

WATER DROUGHT/EMERGENCY ORDINANCE

Ordinance No. 387

An ordinance authorizing the declaration of a water watch, warning or emergency; establishing procedures and voluntary and mandatory conservation measures; authorizing the issuance of administrative regulations; and prescribing certain penalties.

Be it Ordained by the Governing Body of the City of Almena.

Section 1. Purpose. The purpose of this ordinance is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such a watch, warning or emergency is declared.

Section 2. Definitions:

(a) "Water," as the term is used in this ordinance, shall mean water available to the City of Almena for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.

(b) "Customer," as the term is used in this ordinance, shall mean the customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

(c) "Waste of water," as the term is used in this ordinance, includes, but is not limited to: (1) permitting water to escape down a gutter, ditch, or other surface drain; or (2) failure to repair a controllable leak of water due to defective plumbing.

(d) The following classes of uses of water are established:

Class 1:

Water used for outdoor watering; either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, 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 their place of employment.

Class 3:

Domestic usage, other than that which would be included in either classes 1 or 2.

Class 4:

Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

Section 3. Declaration of Water Watch. Whenever the governing body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.

Section 4. Declaration of Water Warning. Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper.

Section 5. Declaration of Water Emergency. Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper.

Section 6. Voluntary Conservation Measures. Upon the declaration of a water watch or water warning as provided in Sections 3 and 4, the mayor (or the city manager) is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

(a) Sprinkling of water on lawns, shrubs or trees (including golf courses).
(b) Washing of automobiles.
(c) Use of water in swimming pools, fountains and evaporative air conditioning systems.
(d) Waste of water.

Section 7. Mandatory Conservation Measures. Upon the declaration of a water supply emergency as provided in Section 5, the mayor (or the city superintendent) is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

(a) Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency;
(b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
(c) Restrictions on the sales of water at coin-operated facilities or sites;
(d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;
(e) Complete or partial bans on the waste of water; and
(f) Any combination of the foregoing measures.

Section 8. Emergency Water Rates. Upon the declaration of a water supply emergency as provided in Section 5, the governing body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to: (a) higher charges for increasing usage per unit of use (increasing block rates); (b) uniform charges for water usage per unit of use (uniform unit rate); or (c) extra charges in excess of a specified level of water use (excess demand surcharge).

Section 9. Regulations. During the effective period of any water supply emergency as provided for in Section 5, the mayor (or city manager or water superintendent) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.

Section 10. Violations, Disconnections and Penalties.

(a) If the mayor, city manager, water superintendent, or other city official or officials charged with implementation and enforcement of this ordinance or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Sections 7 or 9 of this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record

any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:

(1) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a city official designated as a hearing officer by the governing body;
(2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
(3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(b) A fee of $50 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be $200 for the second reconnection and $300 for any additional reconnections.

(c) Violations of this ordinance shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal court of violating the provisions of this ordinance shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of $100. In addition, such customer may be required by the Court to serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of $200. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days.

Section 11. Emergency Termination. Nothing in this ordinance shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon the determination of such city official that emergency termination of water service is required to protect the health and safety of the public.

Section 12. Severability. If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

Section 13. This ordinance shall become effective upon its publication in the official city newspaper.

Passed by the governing body this 2nd day of August, 1999.

(Mayor's Signature)

ATTEST:

(City Clerk's Signature)

Proof of Publication

ATE OF KANSAS

ORTON

UNTY

SS.

Larry Boyd

lawful age, being duly sworn upon oath states that he

the bookkeeper

of The NORTON DAILY TELEGRAM

AT said newspaper has been published at least two hundred / (250) times a year and has been so published for at least year prior to the first publication of the attached notice;

AT said paper was entered as second class mail matter at the office of its publication;

AT said paper has a general paid circulation on a daily basis NORTON County, Kansas, and is

T a trade, religious or fraternal publication and has been

INTED and published in NORTON County, Kansas.

E ATTACHED was published on the following dates in a ular issue of said newspaper:

lication was made on the 6 day of August, 19 99

lication was made on the ____ day of ____, 19____

lication was made on the ____ day of ____, 19____

lication was made on the ____ day of ____, 19____

lication was made on the ____ day of ____, 19____

Publication Fee $ 136.68

Affidavit, Notary's Fees $ ____

Additional Copies ___at ___$ ____

Total Publication Fee $ 136.68

(Sign) Larry Boyd

ness my hand this 18th day of August, 19 99

SCRIBED And Sworn to before me this ____

of ____, 19____

____

Published in the Norton Daily Telegram on Friday, August 6, 1999.

1T

WATER DROUGHT/EMERGENCY ORDINANCE
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An ordinance authorizing the declaration of a water watch, warning or emergency; establishing procedures and voluntary and mandatory conservation measures; authorizing the issuance of administrative regulations; and prescribing certain penalties.

Be it Ordained by the Governing Body of the City of Almena.

Section 1. Purpose. The purpose of this ordinance is to provide for the declaration of a water supply watch, warning or emergency and the implementation of voluntary and mandatory water conservation measures throughout the city in the event such a watch, warning or emergency is declared.

Section 2. Definitions:

(a) "Water," as the term is used in this ordinance, shall mean water available to the City of Almena for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.

(b) "Customer," as the term is used in this ordinance, shall mean the customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

(c) "Waste of water," as the term is used in this ordinance, includes, but is not limited to: (1) permitting water to escape down a gutter, ditch, or other surface drain; or (2) failure to repair a controllable leak of water due to defective plumbing.

(d) The following classes of uses of water are established:

Class 1:

Water used for outdoor watering; either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational areas; or the washing of motor vehicles, 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 their place of employment.

Class 3:

Domestic usage, other than that which would be included in either classes 1 or 2.

Class 4:

Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

Section 3. Declaration of Water Watch. Whenever the governing body of the City finds that conditions indicate that the probability of a drought or some other condition causing a major water supply shortage is rising, it shall be empowered to declare, by resolution, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.

Section 4. Declaration of Water Warning. Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper.

Section 5. Declaration of Water Emergency. Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, ment certain mandatory water conservation measures, including, but not limited to, the following:

(a) Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency;

(b) Restrictions on the uses of water in one of more classes of water use, wholly or in part;

(c) Restrictions on the sales of water at coin-operated facilities or sites;

(d) The imposition of water rationing based on any reasonable formula including, but not limited to, the percentage of normal use and per capita or per consumer restrictions;

(e) Complete or partial bans on the waste of water; and

(f) Any combination of the foregoing measures.

Section 8. Emergency Water Rates. Upon the declaration of a water supply emergency as provided in Section 5, the governing body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to: (a) higher charges for increasing usage per unit of use (increasing block rates); (b) uniform charges for water usage per unit of use (uniform unit rate); or (c) extra charges in excess of a specified level of water use (excess demand surcharge).

Section 9. Regulations. During the effective period of any water supply emergency as provided for in Section 5, the mayor (or city manager or water superintendent) is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.

Section 10. Violations, Disconnections and Penalties.

(a) If the mayor, city manager, water superintendent, or other city official or officials charged with implementation and enforcement of this ordinance or a water supply emergency resolution learn of any violation of any water use restrictions imposed pursuant to Sections 7 or 9 of this ordinance, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. Said notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:

(1) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a city official designated as a hearing officer by the governing body;

(2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and

(3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(b) A fee of $50 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be $200 for the second reconnection and $300 for any additional reconnections.

(c) Violations of this ordinance shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal court of violating the provisions of this ordinance shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of $100. In addition, such customer may be required by the Court to serve a definite term of confinement in the city or county jail

tion, that a water watch exists and that it shall take steps to inform the public and ask for voluntary reductions in water use. Such a watch shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water watch shall be effective upon their publication in the official city newspaper.

Section 4. Declaration of Water Warning. Whenever the governing body of the City finds that drought conditions or some other condition causing a major water supply shortage are present and supplies are starting to decline, it shall be empowered to declare by resolution that a water warning exists and that it will recommend restrictions on nonessential uses during the period of warning. Such a warning shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the beginning and ending of the water warning shall be effective upon their publication in the official city newspaper.

Section 5. Declaration of Water Emergency. Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official city newspaper.

Section 6. Voluntary Conservation Measures. Upon the declaration of a water watch or water warning as provided in Sections 3 and 4, the mayor (or the city manager) is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

(a) Sprinkling of water on lawns, shrubs or trees (including golf courses).

(b) Washing of automobiles.

(c) Use of water in swimming pools, fountains and evaporative air conditioning systems.

(d) Waste of water.

Section 7. Mandatory Conservation Measures. Upon the declaration of a water supply emergency as provided in Section 5, the mayor (or the city superintendent) is also authorized to implement mandatory water conservation measures to limit or eliminate nonessential water uses including, but not limited to, limitations on the following uses:

(a) Sprinkling of water on lawns, shrubs or trees (including golf courses).

(b) Washing of automobiles.

(c) Use of water in swimming pools, fountains and evaporative air conditioning systems.

(d) Waste of water.

Section 8. Penalties. (a) Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than $500 for each violation. Each day that a violation is permitted to exist shall constitute a separate offense.

(b) In addition to the penalty prescribed above, the City may also pursue other remedies such as abatement of nuisances, injunctive relief, administrative adjustment of water and sewer service charges, and any other remedies authorized by law.

Section 9. Termination of Water Service. (a) Water service to customers who violate this ordinance may be terminated in accordance with the following procedures:

(1) Written notice of the violation shall be given to the customer, and water service may be terminated not less than 10 days after such notice is given unless the violation is corrected sooner;

(2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and

(3) The governing body or hearing officer shall make findings of fact and order whether service should continue or be terminated.

(b) A fee of $50 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be $200 for the second reconnection and $300 for any additional reconnections.

(c) Violations of this ordinance shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal court of violating the provisions of this ordinance shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of $100. In addition, such customer may be required by the Court to serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of $200. In addition, such customer shall serve a definite term of confinement in the city or county jail which shall be fixed by the Court and which shall not exceed 30 days.

Section 11. Emergency Termination. Nothing in this ordinance shall limit the ability of any properly authorized city official from terminating the supply of water to any or all customers upon and determination of such city official that emergency termination of water service is required to protect the health and safety of the public.

Section 12. Severability. If any provision of this ordinance is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the ordinance and its applicability to other persons and circumstances shall not be affected thereby.

Section 13. This ordinance shall become effective upon its publication in the official city newspaper.

Passed by the governing body this 2nd day of August, 1999.

Gerald D. Wilson, Mayor

ATTEST:

Regina Gieswein, City Clerk

(Published in _____, _____, 1999, once)

ORDINANCE NO. 288

An ordinance of the City of ALMENA, Kansas
Making Provision for Financing the City's Annual Budget for the Year 2000
With Increased Ad Valorem Property Taxes

Recitals

A. Decisions affecting all city services are the responsibility of the city governing body, and the ad valorem property tax is a primary source of revenue for financing city services.

B. The city governing body has considered input from the public concerning the city's annual budget for the year 2000, its level of services, and the proposed method of financing it. The governing body has determined that an increase in the amount of ad valorem property taxes over and above those levied to fund the city's annual budget for the year 1999 (not including amounts needed for the purpose of repaying the principal and interest on bonded debt, temporary notes, or no-fund warrants) over and above additional revenue anticipated in the year 2000 produced by and attributable to the taxation of new improvements to real property, increased personal property valuation (other than increased valuation of oil and gas leaseholds and mobile homes), increased valuation resulting from added territory, and property which has changed in use during the past year; and revenue produced for the purpose of repaying the principal and interest on bonded indebtedness, temporary notes, or no-fund warrants, is or may be required to finance the level of city services considered to be appropriate by the governing body.

C. As required by Senate Bill 45 as enacted by the 1999 Kansas legislature, the city governing body desires to provide for an increase in ad valorem property taxes if necessary to finance the city's budget for the year 2000.

Therefore, be it Ordained by the Governing Body of the City of ALMENA, Kansas:

Section 1. The governing body is hereby authorized to levy ad valorem property taxes on the city's tax base to fund its annual budget for the year 2000 in excess of those levied for the 1999 budget (not including amounts needed for the purpose of repaying the principal and interest on bonded debt, temporary notes, or no-fund warrants), after taking into account anticipated additional tax revenues from the sources listed above.

Section 2. The governing body shall comply with all of the notice and hearing requirements imposed by Kansas law in the process of preparation and approval of its annual budget for the year 2000.

Section 3. This ordinance shall be effective after its passage by a majority of the governing body, its signature by the mayor (or other person authorized to act for the mayor in the mayor's absence) and publication once in the official city newspaper.

PASSED by the governing body of the City of ALMENA, Kansas this 2nd day of August, 1999.

SIGNED by the mayor of the City of ALMENA, Kansas this 2nd day of August, 1999.

[SEAL]

Gerald D Wilson
Mayor

ATTEST:

Regina Steinwein
City Clerk

Proof of Publication

STATE OF KANSAS

NORTON

COUNTY

SS.

Larry Boyd

of lawful age, being duly sworn upon oath states that he

is the bookkeeper

of The NORTON DAILY TELEGRAM

THAT said newspaper has been published at least two hundred fifty (250) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication;

THAT said paper has a general paid circulation on a daily basis in NORTON County, Kansas, and is

NOT a trade, religious or fraternal publication and has been

PRINTED and published in NORTON County, Kansas,

THE ATTACHED was published on the following dates in a regular issue of said newspaper:

1st
Publication was made on the 4 day of August, 1999

2nd
Publication was made on the ____ day of ____, 19____

3rd
Publication was made on the ____ day of ____, 19____

4th
Publication was made on the ____ day of ____, 19____

5th
Publication was made on the ____ day of ____, 19____

10½" Publication Fee $ 40.43

Affidavit, Notary's Fees $ ____

Additional Copies ____ at $ ____

Total Publication Fee $ 40.43

(Sign) Larry Boyd

Witness my hand this 18th day of August, 1999

SUBSCRIBED And Sworn to before me this 18th day of Aug, 1999

Rhonda L Frack

RHONDA L. FRACK
Notary Public - State of Kansas
My Appt. Expires 8-03-02

Published in the Norton Daily Telegram on Wednesday, August 4, 1999.
1T

ORDINANCE NO. 388

An ordinance of the City of ALMENA, Kansas Making Provision for Financing the City's Annual Budget for the Year 2000 With Increased Ad Valorem Property Taxes

Recitals

A. Decisions affecting all city services are the responsibility of the city governing body, and the ad valorem property tax is a primary source of revenue for financing city services.

B. The city governing body has considered input from the public concerning the city's annual budget for the year 2000, its level of services, and the proposed method of financing it. The governing body has determined that an increase in the amount of ad valorem property taxes over and above those levied to fund the city's annual budget for the year 1999 (not including amounts needed for the purpose of repaying the principal and interest on bonded debt, temporary notes, or no-fund warrants) over and above additional revenue anticipated in the year 2000 produced by and attributable to the taxation of new improvements to real property, increased personal property valuation (other than increased valuation of oil and gas leaseholds and mobile homes), increased valuation resulting from added territory, and property which has changed in use during the past year; and revenue produced for the purpose of repaying the principal and interest on bonded indebtedness, temporary notes, or no-fund warrants, is or may be required to finance the level of city services considered to be appropriate by the governing body.

C. As required by Senate Bill 45 as enacted by the 1999 Kansas legislature, the city governing body desires to provide for an increase in ad valorem property taxes if necessary to finance the city's budget for the year 2000.

Therefore, be it Ordained by the Governing Body of the City of ALMENA, Kansas:

Section 1. The governing body is hereby authorized to levy ad valorem property taxes on the city's tax base to fund its annual budget for the year 2000 in excess of those levied for the 1999 budget (not including amounts needed for the purpose of repaying the principal and interest on bonded debt, temporary notes, or no-fund warrants), after taking into account anticipated additional tax revenues from the sources listed above.

Section 2. The governing body shall comply with all of the notice and hearing requirements imposed by Kansas law in the process of preparation and approval of its annual budget for the year 2000.

Section 3. This ordinance shall be effective after its passage by a majority of the governing body, its signature by the mayor (or other person authorized to act for the mayor in the mayor's absence) and publication once in the official city newspaper.

PASSED by the governing body of the City of ALMENA, Kansas this 2nd day of August, 1999.

SIGNED by the mayor of the City of ALMENA, Kansas this 2nd day of August, 1999.

Gerald D. Wilson, Mayor

(SEAL)

ATTEST:

Regina Gieswein, City Clerk

ORDINANCE NO. 389

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE CONTROL OF LOCATION AND USE OF TRAVEL TRAILERS, TRAILER HOUSES, MOBILE HOMES, MODULAR HOMES, MODULAR RESIDENTIAL STRUCTURES AND TRAVEL TRAILER PARKS WITHIN THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

SECTION ONE: Chapter IV of the Code of the City of Almena, Kansas, is hereby amended to add the following provisions to the City Code:

" **ARTICLE 7. MOBILE HOMES.**

4-701 FINDINGS OF GOVERNING BODY. In order to provide for, protect and promote the public health, safety, welfare and conveniences, and to preserve the appropriate character of each area within the City, it is necessary to provide for the licensing, regulation of, and permitted control of travel trailers, trailer houses, mobile homes, modular residential structures, and of the locations and areas in which the same may be situated, all within the City.

Further, to protect the effective availability of public institutional and utility services, without undue expense to the citizens of the City, and in the interest of the welfare of the citizens of the City, the control and regulation of the locations and uses of travel trailers, trailer houses, mobile homes, modular homes or modular residential structures is necessary and in the public interest of the citizens of the City.

4-702 DEFINITIONS. For the purpose of this Article, the following words and phrases shall have those meanings ascribed and designated to them as follows:

(a) Travel Trailer (including motor homes, tent trailers and similar recreational vehicles) shall mean a mobile home that is a self-propelled vehicle or a vehicle without a mode of power designed to be drawn by

a motor vehicle to be used as a transient living accommodation facility for travel, recreation, business, trade, vacation and construction work which is designed for frequent moves but not for long term residential occupation.

(b) Trailer House shall mean a portable dwelling unit designed and equipped for long term occupancy with a flush toilet, bathing facilities, the usual basic kitchen facilities, including a sink, of construction and use installation specifications in accordance with the Uniform Building Code, and which has a width of less than 14 feet and a length of more than 25 feet, and which requires a special permit for highway transportation.

(c) Modular House shall mean a portable dwelling unit, or units, designed for occupancy of long term with a flush toilet, bathing facilities, and kitchen facilities, including a sink, capable of an installation in accordance with the Uniform Building Code, unless otherwise excepted by the governing body, as hereinafter provided, which dwelling has a width of not less than 20 feet and a length of not less than 30 feet, and a minimum of 600 square feet of usable floor space in the same.

(d) Mobile Home Community or Park shall mean any area, tract or site within or upon which a minimum of 10 trailer houses or modular house space lots are located for dwelling units, and which meet the following requirements:

(1) The mobile home community shall be located on a well-drained site, property graded to insure rapid drainage and freedom from stagnant water.

(2) Mobile home spaces shall be provided consisting of a minimum of 7,000 square feet for each modular house space or lot and a minimum of 7,000 square feet for each trailer house space or lot, which lot or space shall be clearly defined and marked.

(3) Each mobile home space shall be provided with a paved patio of at least 180 square feet and having a storage locker of at least 96 cubic feet.

(4) Dwellings shall be harbored on each space so that there shall be at least a 20 foot clearance between each dwelling, provided however, that with respect to dwellings parked end to end, the end to end clearance may not be less than 15 feet. No dwelling shall be located closer than 20 feet from any building within the mobile home community or from any property line bounding the mobile home community.

(5) All spaces or lots shall be adjacent to a roadway of not less than 32 feet in width where vehicles are permitted to park on the roadway adjacent to dwellings; otherwise, off-street or off-roadway parking lots shall be maintained at a minimum ratio of one and one-half (1 1/2) car spaces for each space or lot and the roadway may then have a minimum width of 24 feet. All such roadways shall have unobstructed access to a public street or highway, provided further that the sole vehicular access shall not be by an alley and that all dead-end roadways shall include adequate vehicular turning space at the end thereof.

(6) All roadways and walks within the mobile home community shall be hard surfaced and lighted pursuant to residential street lighting requirements.

(7) A park and recreational area shall be provided having a minimum of 150 square feet per dwelling space or lot, provided however, this requirement may be waived by the governing body for good cause shown.

(e) Travel Trailer Park shall mean an area that is intended to be used primarily as a site for placing or parking of travel trailers and includes any buildings or other structures or facilities on the area intended for, or to be used for cooking, personal cleanliness, washing, health or sanitation, or any one or more of all of these purposes, including any structures or facilities primarily used for the maintenance of said park.

4-703 MOBILE HOME COMMUNITY OR PARK PERMIT. (a) It shall be unlawful for any person to establish, maintain, operate or permit to be established, maintained or operated any mobile home community or park within the City limits, without first having secured a permit therefore as herein required, except those mobile home communities or parks and trailer parks that are already established. Each such presently established mobile home community and trailer park shall be considered a nonconforming use and will be permitted to remain as long as the use is continuous.

(b) The applicant for a permit for a mobile home community shall submit three (3) copies of the plan showing location, size and topography of the site for review of the planning commission and governing body. The plan must show the trailer or modular house spaces or lots, roadways, sidewalks, parking areas, electrical lines, utility lines, methods of defining each mobile home or trailer space or lot and the location of paved patios in such a way to demonstrate that the proposed mobile home community will meet the requirements set out in 4-702(d) herein.

4-704 PARKING. Except as provided hereinafter, it shall be unlawful for any person to park any travel trailer, modular house or trailer house on any street, alley, highway, or other public place or on any tract or land, whether owned by the person himself, herself or by others, within the City.

4-705 SAME; EMERGENCY. Emergency or temporary stopping or perking, not exceeding one (1) hour at any one time, if permitted by traffic regulations and other ordinances of this City, shall be allowed.

4-706 SAME; TRAVEL TRAILERS. (a) Travel trailer houses may be parked while occupied in conforming and nonconforming mobile home communities and in public areas located in the City parks for the travel trailer houses for a period not to exceed two (2) weeks.

(b) Travel trailer houses may be stored while unoccupied on property owned or leased by the owner of the travel trailer house.

4-707 SAME; REQUIREMENTS. No person shall park or occupy any trailer house or modular home outside any duly authorized mobile home community in any other district

unless the trailer house or modular house complies with all of the regulations set out in the Uniform Building Code as adopted by the City. A trailer house or modular house so approved shall conform to the definition set out in Section 4-702 and shall be placed on a lot or space which will allow compliance with both the minimum size and yard regulations of the mobile home community and setback and side yard requirements of residential housing.

A modular house or trailer house may be approved on a lot which contains a dwelling unit provided the inclusion may be made without violating the minimum requirements of space for a mobile home community.

4-708 TRAVEL TRAILER PARK REQUIREMENTS.

A. Travel trailer parks shall meet the following requirements:

1. Travel trailer parks shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnate water.

2. There shall be a minimum space for each travel trailer of at least 20 feet by 40 feet. There shall be a minimum space between trailers of at least five (5) feet. There must be at least a minimum space to the lot line of five (5) feet and a minimum set-back from the property line of 20 feet to any street. Each lot or space shall be clearly defined and marked.

3. No travel trailer shall be located closer than 20 feet from any building within the travel trailer park.

4. Each travel trailer space shall be provided with at least one (1) parking space and meet Kansas Department of Transportation Small Cities Parking Standards.

5. All spaces or lots must be adjacent to a roadway. On a one-way drive, the roadway must be at least 15 feet. On a two-way drive, the roadway must be at least 24 feet.

6. Each travel trailer space shall have an individual utility connection for electric and sewer and must be

connected to the City sewer system and electrical system for the purpose of disposing of substances from the trailer and for the purpose of disposing of substances from the trailer and for the purposes of providing power to the trailer.

4-709 TRAVEL TRAILER PARK PERMITS.

a. It shall be unlawful for any person to establish, maintain, operate, or permit to be established, maintained or operated any travel trailer park within the City limits without first having secured a permit therefore as herein required. The cost for said travel permit shall be $ 10.00 .

b. The applicant for a permit for a travel trailer park shall submit three (3) copies of the plan showing location, size and topography of the site for review to the governing body. The plan must show the travel trailer spaces or lots, roadways, individual electric and sewer connections to each space or lot, any sidewalks, parking areas, electrical lines, utility lines, method of defining each travel trailer park space or lot in such a way to demonstrate that the proposed travel trailer park will meet the requirements set forth herein.

c. Travel trailers may be parked while occupied in conforming mobile home communities, travel trailer parks in public areas located in the City parks for travel trailers for a period not to exceed two (2) weeks. This two (2) week restriction does not apply to non-resident laborers working for non-residential companies or persons for a specific job for the specific duration of the job.

d. Travel trailers may be stored while unoccupied on property owned or leased by the owners of the travel trailer in residential and multiple dwelling districts so long as the placement of the travel trailer stored conforms with the set-back and side-yard requirements of residential housing.

4-710 SAME; SEWER CONNECTION. It shall be unlawful for the owner of any mobile home community or the owner or occupant of any trailer house or modular house which has the facility to make sewer connection to permit the trailer or modular house to be parked and occupied by a person or persons without first connecting the trailer to the City sewer system for the purpose of disposing of substances from the trailer.

4-711 GARBAGE RECEPTACLES. Tightly covered garbage cans shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located no farther than 200 feet from any trailer or modular house space or lot. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

4-712 FIRE PROTECTION. Every park shall be equipped at all times with one (1) fire extinguisher in good working order for every three (3) trailers or modular house space located not further than 100 feet from each trailer or modular house space. No open fires shall be permitted at any place which could endanger life or property. No fires shall be left unattended at any time."

SECTION TWO: This Ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND ADOPTED this 16th day of August, 1999.

CITY OF ALMENA, KANSAS

Gerald D Wilson

Gerald Wilson, Mayor

ATTEST:

Regina D Gieswein

Regina Gieswein, City Clerk

gram on Tuesday, August 24, 1999.

1T

ORDINANCE NO. 389

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE CONTROL OF LOCATION AND USE OF TRAVEL TRAILERS, TRAILER HOUSES, MOBILE HOMES, MODULAR HOMES, MODULAR RESIDENTIAL STRUCTURES AND TRAVEL TRAILER PARKS WITHIN THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

SECTION ONE: Chapter IV of the Code of the City of Almena, Kansas, is hereby amended to add the following provisions to the City Code:

ARTICLE 7. MOBILE HOMES.

4-701 FINDINGS OF GOVERNING BODY. In order to provide for, protect and promote the public health, safety, welfare and conveniences, and to preserve the appropriate character of each area within the City, it is necessary to provide for the licensing, regulation of, and permitted control of travel trailers, trailer houses, mobile homes, modular residential structures, and of the locations and areas in which the same may be situated, all within the City.

Further, to protect the effective availability of public institutional and utility services, without undue expense to the citizens of the City, and in the interest of the welfare of the citizens of the City, the control and regulation of the locations and uses of travel trailers, trailer houses, mobile homes, modular homes or modular residential structures is necessary and in the public interest of the citizens of the City.

4-702 DEFINITIONS. For the purpose of this Article, the following words and phrases shall have those meanings ascribed and designated to them as follows:

(a) Travel Trailer (including motor homes, tent trailers and similar recreational vehicles) shall mean a mobile home that is a self-propelled vehicle or a vehicle without a mode of power designed to be drawn by a motor vehicle to be used as a transient living accommodation facility for travel, recreation, business, trade, vacation and construction work which is designed for frequent moves but not for long term residential occupation.

(b) Trailer House shall mean a portable dwelling unit designed and equipped for long term occupancy with a flush toilet, bathing facilities, the usual basic kitchen facilities, including a sink, of construction and use installation specifications in accordance with the Uniform Building Code, and which has a width of less than 14 feet and a length of more than 25 feet, and which requires a special permit for highway transportation.

(c) Modular House shall mean a portable dwelling unit, or units, designed for occupancy of long term with a flush toilet, bathing facilities, and kitchen facilities, including a sink, capable of an installation in accordance with the Uniform Building Code, unless otherwise excepted by the governing body, as hereinafter provided, which dwelling has a width of not less than 20 feet and a length of not less than 30 feet, and a minimum of 600 square feet of usable floor space in the same.

(d) Mobile Home Community or Park shall mean any area, tract or site within or upon which a minimum of 10 trailer houses or modular house space lots are located for dwelling units, and which meet the following requirements:

(1) The mobile home community shall be located on a well-drained site, property graded to insure rapid drainage and freedom from stagnant water.

(2) Mobile home spaces shall be provided consisting of a minimum of 7,000 square feet per space or lot, which shall be adequate for the type of dwelling unit.

(5) All spaces or lots shall be adjacent to a roadway of not less than 32 feet in width where vehicles are permitted to park on the roadway adjacent to dwellings; otherwise, off-street or off-roadway parking lots shall be maintained at a minimum ratio of one and one-half (1 1/2) carspaces for each space or lot and the roadway may then have a minimum width of 24 feet. All such roadways shall have unobstructed access to a public street or highway, provided further that the sole vehicular access shall not be by an alley and that all dead-end roadways shall include adequate vehicular turning space at the end thereof.

(6) All roadways and walks within the mobile home community shall be hard surfaced and lighted pursuant to residential street lighting requirements.

(7) A park and recreational area shall be provided having a minimum of 150 square feet per dwelling space or lot, provided however, this requirement may be waived by the governing body for good cause shown.

(e) Travel Trailer Park shall mean an area that is intended to be used primarily as a site for placing or parking of travel trailers and includes any buildings or other structures or facilities on the area intended for, or to be used for cooking, personal cleanliness, washing, health or sanitation, or any one or more of all of these purposes, including any structures or facilities primarily used for the maintenance of said park.

4-703 MOBILE HOME COMMUNITY OR PARK PERMIT. (a) It shall be unlawful for any person to establish, maintain, operate or permit to be established, maintained or operated any mobile home community or park within the City limits, without first having secured a permit therefore as herein required, except those mobile home communities or parks and trailer parks that are already established. Each such presently established mobile home community and trailer park shall be considered a nonconforming use and will be permitted to remain as long as the use is continuous.

(b) The applicant for a permit for a mobile home community shall submit three (3) copies of the plan showing location, size and topography of the site for review of the planning commission and governing body. The plan must show the trailer or modular house spaces or lots, roadways, sidewalks, parking areas, electrical lines, utility lines, methods of defining each mobile home or trailer space or lot and the location of paved patios in such a way to demonstrate that the proposed mobile home community will meet the requirements set out in 4-702(d) herein.

4-704 PARKING. Except as provided hereinafter, it shall be unlawful for any person to park any travel trailer, modular house or trailer house on any street, alley, highway, or other public place or on any tract or land, whether owned by the person himself, herself or by others, within the City.

4-705 SAME; EMERGENCY. Emergency or temporary stopping or parking, not exceeding one (1) hour at any one time, if permitted by traffic regulations and other ordinances of this City, shall be allowed.

4-706 SAME; TRAVEL TRAILERS. (a) Travel trailer houses may be parked while occupied in conforming and nonconforming mobile home communities and in public areas located in the City parks for the travel trailer houses for a period not to exceed two (2) weeks.

(b) Travel trailer houses may be stored while unoccupied on property owned or leased by the owner of the travel trailer house.

[illegible] caution may be made without violating the minimum requirements of space for a mobile home community.

4-708 TRAVEL TRAILER PARK REQUIREMENTS.

A. Travel trailer parks shall meet the following requirements:

1. Travel trailer parks shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnate water.

2. There shall be a minimum space for each travel trailer of at least 20 feet by 40 feet. There shall be a minimum space between trailers of at least five (5) feet. There must be at least a minimum space to the lot line of five (5) feet and a minimum set-back from the property line of 20 feet to any street. Each lot or space shall be clearly defined and marked.

3. No travel trailer shall be located closer than 20 feet from any building within the travel trailer park.

4. Each travel trailer space shall be provided with at least one (1) parking space and meet Kansas Department of Transportation Small Cities Parking Standards.

5. All spaces or lots must be adjacent to a roadway. On a one-way drive, the roadway must be at least 15 feet. On a two-way drive, the roadway must be at least 24 feet.

6. Each travel trailer space shall have an individual utility connection for electric and sewer and must be connected to the City sewer system and electrical system for the purpose of disposing of substances from the trailer and for the purpose of disposing of substances from the trailer and for the purposes of providing power to the trailer.

4-709 TRAVEL TRAILER PARK PERMITS.

a. It shall be unlawful for any person to establish, maintain, operate, or permit to be established, maintained or operated any travel trailer park within the City limits without first having secured a permit therefore as herein required. The cost for said travel permit shall be $10.00.

b. The applicant for a permit for a travel trailer park shall submit three (3) copies of the plan showing location, size and topography of the site for review to the governing body. The plan must show the travel trailer spaces or lots, roadways, individual electric and sewer connections to each space or lot, any sidewalks, parking areas, electrical lines, utility lines, method of defining each travel trailer park space or lot in such a way to demonstrate that the [illegible] the requirements set forth here

c. Travel trailers may be parke occupied in conforming mobil communities, travel trailer p public areas located in the Cit for travel trailers for a period nc ceed two (2) weeks. This two (restriction does not ap non-resident laborers worki non-residential companies or for a specific job for the specifi tion of the job.

d. Travel trailers may be store unoccupied on property ow leased by the owners of the trailer in residential and dwelling districts so long as the ment of the travel trailer stor forms with the set-back and si requirements of residential hou

4-710 SAME; SEWER CO TION. It shall be unlawful owner of any mobile home con or the owner or occupant of an house or modular house which facility to make sewer connec permit the trailer or modular h be parked and occupied by a pe persons without first connect trailer to the City sewer system purpose of disposing of sub from the trailer.

4-711 GARBAGE RECEPT. Tightly covered garbage cans provided in quantities adequate mit disposal of all garbage and Garbage cans shall be located ther than 200 feet from any t modular house space or lot. Th shall be kept in sanitary conditi times. Garbage and rubbish collected and disposed of as fre as may be necessary to insure garbage cans shall not overflow

4-712 FIRE PROTECTION. park shall be equipped at all tim one (1) fire extinguisher in goo ing order for every three (3) tra modular house space located ther than 100 feet from each t modular house space. No op shall be permitted at any place could endanger life or prope fires shall be left unattended time.

SECTION TWO: This Or shall be published in the offic newspaper and take effect upo cation.

PASSED AND ADOPTED th day of August, 1999.

CITY OF ALMENA, K
Gerald Wilson

ATTEST:
Regina Gieswein, City Clerk

recreation facility for travel, recreation, business, trade, vacation and construction work which is designed for frequent moves but not for long term residential occupation.

(b) Trailer House shall mean a portable dwelling unit designed and equipped for long term occupancy with a flush toilet, bathing facilities, the usual basic kitchen facilities, including a sink, of construction and use installation specifications in accordance with the Uniform Building Code, and which has a width of less than 14 feet and a length of more than 25 feet, and which requires a special permit for highway transportation.

(c) Modular House shall mean a portable dwelling unit, or units, designed for occupancy of long term with a flush toilet, bathing facilities, and kitchen facilities, including a sink, capable of an installation in accordance with the Uniform Building Code, unless otherwise excepted by the governing body, as hereinafter provided, which dwelling has a width of not less than 20 feet and a length of not less than 30 feet, and a minimum of 600 square feet of usable floor space in the same.

(d) Mobile Home Community or Park shall mean any area, tract or site within or upon which a minimum of 10 trailer houses or modular house space lots are located for dwelling units, and which meet the following requirements:

(1) The mobile home community shall be located on a well-drained site, property graded to insure rapid drainage and freedom from stagnant water.

(2) Mobile home spaces shall be provided consisting of a minimum of 7,000 square feet for each modular house space or lot and a minimum of 7,000 square feet for each trailer house space or lot, which lot or space shall be clearly defined and marked.

(3) Each mobile home space shall be provided with a paved patio of at least 180 square feet and having a storage locker of at least 96 cubic feet.

(4) Dwellings shall be harbored on each space so that there shall be at least a 20 foot clearance between each dwelling, provided however, that with respect to dwellings parked end to end, the end to end clearance may not be less than 15 feet. No dwelling shall be located closer than 20 feet from any building within the mobile home community or from any property line

(b) The applicant for a permit for a mobile home community shall submit three (3) copies of the plan showing location, size and topography of the site for review of the planning commission and governing body. The plan must show the trailer or modular house spaces or lots, roadways, sidewalks, parking areas, electrical lines, utility lines, methods of defining each mobile home or trailer space or lot and the location of paved patios in such a way to demonstrate that the proposed mobile home community will meet the requirements set out in 4-702(d) herein.

4-704 PARKING. Except as provided hereinafter, it shall be unlawful for any person to park any travel trailer, modular house or trailer house on any street, alley, highway, or other public place or on any tract or land, whether owned by the person himself, herself or by others, within the City.

4-705 SAME; EMERGENCY. Emergency or temporary stopping or parking, not exceeding one (1) hour at any one time, if permitted by traffic regulations and other ordinances of this City, shall be allowed.

4-706 SAME; TRAVEL TRAILERS. (a) Travel trailer houses may be parked while occupied in conforming and nonconforming mobile home communities and in public areas located in the City parks for the travel trailer houses for a period not to exceed two (2) weeks.

(b) Travel trailer houses may be stored while unoccupied on property owned or leased by the owner of the travel trailer house.

4-707 SAME; REQUIREMENTS. No person shall park or occupy any trailer house or modular home outside any duly authorized mobile home community in any other district unless the trailer house or modular house complies with all of the regulations set out in the Uniform Building Code as adopted by the City. A trailer house or modular house so approved shall conform to the definition set out in Section 4-702 and shall be placed on a lot or space which will allow compliance with both the minimum size and yard regulations of the mobile home community and setback and side yard requirements of residential housing.

A modular house or trailer house may be approved on a lot which con-

size and topography of the site for review to the governing body. The plan must show the travel trailer spaces or lots, roadways, individual electric and sewer connections to each space or lot, any sidewalks, parking areas, electrical lines, utility lines, method of defining each travel trailer park space or lot in such a way to demonstrate that the

shall be published in the offici
newspaper and take effect upon
cation.

PASSED AND ADOPTED thi
day of August, 1999.

CITY OF ALMENA, K
Gerald Wilson,

ATTEST:
Regina Gieswein, City Clerk

cision may be made without violating the minimum requirements of space for a mobile home community.

4-708 TRAVEL TRAILER PARK REQUIREMENTS.

A. Travel trailer parks shall meet the following requirements:

1. Travel trailer parks shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnate water.

2. There shall be a minimum space for each travel trailer of at least 20 feet by 40 feet. There shall be a minimum space between trailers of at least five (5) feet. There must be at least a minimum space to the lot line of five (5) feet and a minimum set-back from the property line of 20 feet to any street. Each lot or space shall be clearly defined and marked.

3. No travel trailer shall be located closer than 20 feet from any building within the travel trailer park.

4. Each travel trailer space shall be provided with at least one (1) parking space and meet Kansas Department of Transportation Small Cities Parking Standards.

5. All spaces or lots must be adjacent to a roadway. On a one-way drive, the roadway must be at least 15 feet. On a two-way drive. the roadway must be at least 24 feet.

6. Each travel trailer space shall have an individual utility connection for electric and sewer and must be connected to the City sewer system and electrical system for the purpose of disposing of substances from the trailer and for the purpose of disposing of substances from the trailer and for the purposes of providing power to the trailer.

4-709 TRAVEL TRAILER PARK PERMITS.

a. It shall be unlawful for any person to establish, maintain, operate, or permit to be established, maintained or operated any travel trailer park within the City limits without first having secured a permit therefore as herein required. The cost for said travel permit shall be $10.00.

b. The applicant for a permit for a travel trailer park shall submit three (3) copies of the plan showing location, size and topography of the site for review to the governing body. The plan must show the travel trailer spaces or lots, roadways, individual electric and sewer connections to each space or lot. any sidewalks, parking areas, electrical lines, utility lines, method of defining each travel trailer park space or lot in such a way to demonstrate that the the requirements set forth herein.

c. Travel trailers may be parked while occupied in conforming mobile home communities, travel trailer parks in public areas located in the City parks for travel trailers for a period not to exceed two (2) weeks. This two (2) week restriction does not apply to non-resident laborers working for non-residential companies or persons for a specific job for the specific duration of the job.

d. Travel trailers may be stored while unoccupied on property owned or leased by the owners of the travel trailer in residential and multiple dwelling districts so long as the placement of the travel trailer stored conforms with the set-back and side-yard requirements of residential housing.

4-710 SAME; SEWER CONNECTION. It shall be unlawful for the owner of any mobile home community or the owner or occupant of any trailer house or modular house which has the facility to make sewer connection to permit the trailer or modular house to be parked and occupied by a person or persons without first connecting the trailer to the City sewer system for the purpose of disposing of substances from the trailer.

4-711 GARBAGE RECEPTACLES. Tightly covered garbage cans shall be provided in quantities adequate to permit disposal of all garbage and rubbish. Garbage cans shall be located no farther than 200 feet from any trailer or modular house space or lot. The cans shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

4-712 FIRE PROTECTION. Every park shall be equipped at all times with one (1) fire extinguisher in good working order for every three (3) trailers or modular house space located not further than 100 feet from each trailer or modular house space. No open fires shall be permitted at any place which could endanger life or property. No fires shall be left unattended at any time.

SECTION TWO: This Ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND ADOPTED this 16th day of August, 1999.

CITY OF ALMENA, KANSAS
Gerald Wilson, Mayor

ATTEST:
Regina Gieswein, City Clerk

ORDINANCE NO. 390

AN ORDINANCE GRANTING TO RTSC COMMUNICATIONS, INC., d/b/a Nex-Tech, A SUBSIDIARY OF RURAL TELEPHONE SERVICE CO., INC., A KANSAS CORPORATION, ITS SUCCESSORS, TRANSFEREES AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE TO ERECT, MAINTAIN AND OPERATE A COMMUNICATIONS SYSTEM WITHIN THE CITY OF ALMENA, KANSAS, PRESCRIBING THE TERMS AND CONDITIONS THEREOF AND PROVIDING FOR PAYMENTS TO BE MADE TO THE CITY OF ALMENA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

ARTICLE I

Definitions

For the purpose of the grant of this franchise, the following terms shall have the meaning as described herein:

1. "City" shall mean the City of Almena, Kansas, and shall include, when appropriate, the context of the territorial boundaries of the City of Almena, Kansas, as they now or shall hereafter exist.

2. "Council" shall mean the present governing body of the City of Almena, Kansas, or any successor to the legislative powers of the present City Council.

3. "Franchise" shall mean the permission, license or authority given hereunder to conduct and operate a communications system in the City of Almena, Kansas.

4. "Grantee" shall mean RTSC Communications, Inc., d/b/a Nex-Tech, a subsidiary of Rural Telephone Service Company, Inc., or its successors, transferees or assigns of the Franchise granted herein.

5. "Gross Revenue" shall mean the monthly revenues received by Grantee for the basic service rates from subscribers of the Grantee's local telephone service; provided, however, that such phrase shall not include: (i) revenues received from any advertising carried on the communications system; (ii) revenues from optional calling features; (iii) any taxes on communications service which are imposed directly or indirectly on any subscriber thereof by any governmental unit or agency, and which are collected by the Grantee on behalf of such governmental unit or agency; or (iv) any revenues derived from installation charges.

6. "Street" shall mean the surface of and the space above and below any public street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway, drive or other

easement now or hereafter held by the City of Almena, Kansas, for the purpose of public travel and shall include such other easements or right-of-ways as shall be now held or hereafter held by the City of Almena, which shall within their proper use and meaning entitle the City of Almena and its Grantee to use for the purpose of installing or transmitting communications transmissions over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to a communications system.

7. "Property of Grantee" shall mean all property owned and installed or used by the Grantee in the conduct of its communications business in the City of Almena and under the authority of the Franchise granted herein.

8. "Communications System" shall mean delivery and reception of audio and video signals, including but not limited to, video, data, radio and cable television.

9. "Subscriber" shall mean any person or entity receiving for any purpose all or one of the services offered within the Grantee's communications system.

10. "Person" shall mean any individual or association of individuals, or any firm, corporation or other business entity.

11. "Facilities of Grantee" or "Communications Facilities" shall mean property of the Grantee.

ARTICLE II

Grant of Franchise

SECTION 1: General Grant. The City hereby grants to the Grantee a non-exclusive right and privilege to construct, erect, operate and maintain a communications system with the City and in so doing to use the streets of the City by erecting, installing, constructing, repairing, replacing, reconstructing, maintaining and retaining in, on, under, upon or across any such street, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and pertinent to a communications system within the City of Almena, Kansas.

SECTION 2: Non-exclusivity. The authority hereby granted to conduct a cable television system in the City and to use and occupy the streets is not and shall not be deemed to be an exclusive right of permission. The City expressly reserves the right to grant similar non-exclusive franchises to other persons, firms or corporations and to use the streets of the City therefor within the same or other areas of the City at any time or under any period of; provided, however, that such other franchises do not interfere or create interference with Grantee's system already established.

SECTION 3: Notice concerning complaints. Notice of the procedures for reporting and resolving complaints will be given to each subscriber at the time of the initial subscription to the communications system.

SECTION 4: Modification of franchise standards. Any modification of the provisions of the federal franchise standards resulting from an amendment of the standards by the Federal Communications Commission must be incorporated into this Franchise within one year of the adoption of the modification, or at the time of renewal, whichever occurs first.

ARTICLE III

Term

The term of this ordinance shall be for ten (10) years and two successive terms of five (5) years unless written notice is given by either the City or the Grantee to the other, 365 days or more prior to the expiration of the initial term, or any successive term, of its intention to terminate the same at the expiration of the then current term.

The term of this ordinance shall commence on the first day of the first month following the date the Grantee hereunder accepts and agrees to abide with the terms and conditions of this Franchise by filing a written acceptance thereof with the City Clerk of the City of Almena, Kansas. Acceptance shall be filed, if it is to be valid, within sixty (60) days from the effective date of the ordinance granting the Franchise. If such acceptance shall not be filed within the time aforesaid, then the ordinance granting this Franchise shall be deemed void and of no further force and effect, and the offer of Franchise contained in the ordinance will stand revoked.

ARTICLE IV

Forfeiture

In addition to all other rights and powers reserved or pertaining to the City, the City reserves as an additional and as a separate and distinct remedy the right to revoke this Franchise and all rights and privileges of the Grantee hereunder in any of the following events or for any of the following reasons:

1. Grantee fails after thirty (30) days prior written notice to comply with any of the provisions of the ordinance granting this Franchise or has, by act or omission, violated any term or condition thereof;

2. Any provision of such ordinance shall be finally adjudged by a court of law as invalid or unenforceable, and the City Council further finds that such provision constitutes at that time a consideration material to the continuance of the Franchise granted herein;

3. The Grantee becomes insolvent, unable or unwilling to pay its debts or is adjudged bankrupt;

4. All or part of Grantee's facilities are sold under an instrument to secure a debt and not redeemed by the Grantee within sixty (60) days from such sale;

5. The Grantee attempts to or does practice any fraud or deceit in its conduct or relations with the City or subscribers, under this Franchise; or

6. The City condemns all of the property of the Grantee within the City by lawful exercise of eminent domain.

ARTICLE V

Ordinance of Revocation

No revocation provided for in the previous paragraph except for reasons of condemnation, shall be effective unless or until the City Council adopts an ordinance setting forth the cause and reason for the revocation and the effective date thereof. Such ordinance shall not be adopted without thirty (30) days prior written notice thereof to the Grantee and an opportunity for the Grantee to be heard on the proposed adoption of said proposed ordinance. If the revocation as proposed in said ordinance depends upon a finding of fact, such finding of fact must be made by the City Council after a conclusive hearing is provided, if requested by the Grantee.

ARTICLE VI

Consideration

In consideration of the grant of the Franchise to the Grantee, the Grantee shall pay to the City, in arrears, an amount equal to one percent (1%) of the annual Gross Revenue from the operation of the business in said City. Such payment shall be made in one (1) payment, on or before January 31 of each year during the terms of this ordinance. The City agrees to accept this sum as full and fair compensation.

ARTICLE VII

Indemnification

The Grantee shall, concurrently with the filing of the acceptance of this Franchise, furnish to the City and file with the City Clerk a liability insurance policy in the amount of One Million Dollars ($1,000,000) with a company approved by the City of Almena and in a form satisfactory to the City Attorney indemnifying and defending the City, its officers, boards, commissions, agents and employees from and against any and all claims, demands, actions, suits and proceedings by others, against all liabilities to others and against any loss, costs, expense or damages resulting therefrom, arising out of the exercise or enjoyment of this Franchise.

ARTICLE VIII

Use and Installation

SECTION 1: Degree of Care. The Grantee or any persons, firm or corporation erecting, constructing or maintaining any of the property used by or for the Grantee shall at all times employ due care or the highest degree of care required by law under the facts and circumstances and shall maintain and install the property of the Grantee in accordance with commonly accepted methods and principals so as to prevent failures and accidents likely to damage, injure or create a public nuisance.

SECTION 2: Location of Facility. All communications facilities shall be located so as to cause minimum interference with the proper use of streets and the rights and reasonable convenience of property owners abutting the streets. In no event shall such facilities be located so as to substantially interfere with the usual public travel on any street of the City.

SECTION 3: Damage to Public Property. Whenever the Grantee or any person on its behalf causes any injuries or damage to any public property or street by or because of the installation, maintenance or operation of the communications facilities, such injury or damage shall be immediately remedied in such fashion as directed by the City Council.

SECTION 4: Tree Trimming. The Grantee shall have authority to trim trees upon and over the streets of the City so as to prevent the branches of such trees from coming in contact with wires, cables and other facilities of the Grantee. All trimming shall be done under the supervision of the City Superintendent at the expense of the Grantee.

ARTICLE IX

Removal and Abandonment of Property

If the Franchise is terminated or revoked, the Grantee shall promptly, upon ninety (90) days written notice, remove from the streets all its facilities other than that which the City of Almena, Kansas, may permit to be abandoned in place. In the event of such removal, the Grantee shall promptly return the street to the like or similar condition which it was in before the facilities were placed.

ARTICLE X

Operation and Maintenance

The Grantee shall render efficient service, make repairs promptly and only interrupt service for good cause for the shortest time possible.

In order to limit failure and malfunctions of the cable television system and to enable prompt correction at all times after notice of malfunction or failure, the Grantee shall consistently maintain a listed telephone, which shall be operated to receive complaints, requests

for repairs or adjustments because of malfunctions at any time of day Sunday through Saturday, including holidays.

ARTICLE XI

Compliance with the Law

Grantee shall, at all times during the term of this Franchise, be subject to all lawful exercises of the police power of the City and to such reasonable regulations as the City shall prescribe for the general conduct of persons providing communications service within the City.

ARTICLE XII

Emergency Use

In the event of an emergency or disaster, the Grantee shall, at the request of the City, make available its facilities to the City for emergency use during the period of such emergency or disaster and shall provide such personnel to operate properly under the circumstances.

ARTICLE XIII

Books and Records

The Grantee shall file with the City Clerk's Office true and accurate maps or plats of all existing installation systems on the streets of the City.

ARTICLE XIV

Sale or Lease of Franchise

The Franchise shall be deemed a privilege to be held in personal trust by the Grantee. It may not be sold, transferred, leased, assigned or disposed of in whole or in part either by force of voluntary sale, consolidation or otherwise without the prior consent of the City Council, expressed by resolution, and then only under such conditions as may herein be prescribed.

ARTICLE XV

Grantee Without Recourse

The Grantee shall have no recourse whatsoever against the City for any loss, cost, expense or damage arising out of any of the provisions or requirements of this Franchise or because of the enforcement thereof by the City, nor for the failure of the City to have the authority to grant all or any part of the Franchise.

ARTICLE XVI

Grantee's Rates and Regulations

The rates and charges of the Grantee for its services to any subscriber shall be fair and reasonable and no higher than necessary to meet all costs of service, assuming efficient and economical management, including a fair return on the fair value of the properties devoted to such service and such rates and charges shall not be unreasonable or discriminatory.

ARTICLE XVII

Notice

Whenever, under the terms of this Franchise, either party shall be required or permitted to give notice to the other, such notice shall be in writing and if to be served upon the City it shall be delivered by first class mail to the City of Almena, Almena, Kansas 67622. If to the Grantee, it shall be delivered by first class mail to CEO/General Manager, 145 North Main, Lenora, Kansas 67645, with a copy to Corporate Counsel, 2130 South Ohio, Suite B, Salina, Kansas 67401.

ARTICLE XVIII

Service to Public Facilities

The Grantee shall provide without charge one connection for cable television service to each elementary and high school, public and parochial, and to each public library and City office. Grantee will provide basic and expanded cable television service to these connections without charge.

ARTICLE XIX

That this ordinance shall take effect from and after its passage and publication in the official City newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Almena, Kansas, on this 10th day of July, 2000.

CITY OF ALMENA, KANSAS

By: Gerald D Wilson
Mayor

ATTEST:

Regina Simmons
City Clerk

First published in the Norton Daily Telegram on Wednesday, July 19, 2000. 2T

ORDINANCE NO. 390

AN ORDINANCE GRANTING TO RTSC COMMUNICATIONS, INC., d/b/a Nex-Tech, A SUBSIDIARY OF RURAL TELEPHONE SERVICE CO., INC., A KANSAS CORPORATION, ITS SUCCESSORS, TRANSFEREES AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE TO ERECT, MAINTAIN AND OPERATE A COMMUNICATIONS SYSTEM WITHIN THE CITY OF ALMENA, KANSAS, PRESCRIBING THE TERMS AND CONDITIONS THEREOF AND PROVIDING FOR PAYMENTS TO BE MADE TO THE CITY OF ALMENA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

ARTICLE I
Definitions

For the purpose of the grant of this franchise, the following terms shall have the meaning as described herein:

1. "City" shall mean the City of Almena, Kansas, and shall include, when appropriate, the context of the territorial boundaries of the City of Almena, Kansas, as they now or shall hereafter exist.

2. "Council" shall mean the present governing body of the City of Almena, Kansas, or any successor to the legislative powers of the present City Council.

3. "Franchise" shall mean the permission, license or authority given hereunder to conduct and operate a communications system in the City of Almena, Kansas.

4. "Grantee" shall mean RTSC Communications, Inc., d/b/a Nex-Tech, a subsidiary of Rural Telephone Service Company, Inc., or its successors, transferees or assigns of the Franchise granted herein.

5. "Gross Revenue" shall mean the monthly revenues received by Grantee for the basic service rates from subscribers of the Grantee's local telephone service; provided, however, that such phrase shall not include: (i) revenues received from any advertising carried on the communications system; (ii) revenues from optional calling features; (iii) any taxes on communications service which are imposed directly or indirectly on any subscriber thereof by any governmental unit or agency, and which are collected by the Grantee on behalf of such governmental unit or agency; or (iv) any revenues derived from installation charges.

6. "Street" shall mean the surface of and the space above and below any public street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway, drive or other easement now or hereafter held by the City of Almena, Kansas, for the purpose of public travel and shall include such other easements or right-of-ways as shall be now held or hereafter held by the City of Almena, which shall within their proper use and meaning entitle the City of Almena and its Grantee to use for the purpose of installing or transmitting communications transmissions over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to a communications system.

7. "Property of Grantee" shall mean all property owned and installed or used by the Grantee in the conduct of its communications business in the City of Almena and under the authority of the Franchise granted herein.

8. "Communications System" shall mean delivery and reception of audio and video signals, including but not limited to, video, data, radio and cable television.

9. "Subscriber" shall mean any person or entity receiving for any purpose all or one of the services offered within the Grantee's communications system.

10. "Person" shall mean any individual or association of individuals, or any firm, corporation or other business entity.

11. "Facilities of Grantee" or "Communications Facilities" shall mean property of the Grantee.

ARTICLE II
Grant of Franchise

SECTION 1: General Grant. The City hereby grants to the Grantee a non-exclusive right and privilege to construct, erect, operate and maintain a communications system with the City and in so doing to use the streets of the City by erecting, installing, constructing, repairing, replacing, reconstructing, maintaining and retaining in, on, under, upon or across any such street, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and pertinent to a communications system within the City of Almena, Kansas.

SECTION 2: Non-exclusivity. The authority hereby granted to conduct a cable television system in the City and to use and occupy the streets is not and shall not be deemed to be an exclusive right of permission. The City expressly reserves the right to grant similar non-exclusive franchises to other persons, firms or corporations and to use the streets of the City therefor within the same or other areas of the City at any time or under any period of; provided, however, that such other franchises do not interfere or create interference with Grantee's system already established.

SECTION 3: Notice concerning complaints. Notice of the procedures for reporting and resolving complaints will be given to each subscriber at the time of the initial subscription to the communications system.

SECTION 4: Modification of franchise standards. Any modification of the provisions of the federal franchise standards resulting from an amendment of the standards by t Federal Communications Comm sion must be incorporated into t Franchise within one year of t adoption of the modification, or the time of renewal, whichever curs first.

ARTICLE III
Term

The term of this ordinance shall for ten (10) years and two succ sive terms of five (5) years unl written notice is given by either t City or the Grantee to the other 3 days or more prior to the expirat of the initial term, or any success term, of its intention to termin the same at the expiration of t then current term.

The term of this ordinance sh commence on the first day of t first month following the date t Grantee hereunder accepts a agrees to abide with the terms a conditions of this Franchise by fil a written acceptance thereof w the City Clerk of the City of Alme Kansas. Acceptance shall be filed it is to be valid, within sixty (60) da from the effective date of the or nance granting the Franchise. such acceptance shall not be fi within the time aforesaid, then t ordinance granting this Franch shall be deemed void and of no f ther force and effect, and the of of Franchise contained in the or nance will stand revoked.

ARTICLE IV
Forfeiture

In addition to all other rights a powers reserved or pertaining the City, the City reserves as an a ditional and as a separate and d tinct remedy the right to revoke t Franchise and all rights and pri leges of the Grantee hereunder any of the following events or any of the following reasons:

1. Grantee falls after thirty (3 days prior written notice to com with any of the provisions of the dinance granting this Franchise has, by act or omission, violated a term or condition thereof;

2. Any provision of such ordinan shall be finally adjudged by a co of law as invalid or unenforceab and the City Council further fin that such provision constitutes that time a consideration mate to the continuance of the Franch granted herein;

3. The Grantee becomes insolve unable or unwilling to pay its de or is adjudged bankrupt;

4. All or part of Grantee's facilit are sold under an instrument to s cure a debt and not redeemed the Grantee within sixty (60) da from such sale;

5. The Grantee attempts to or do practice any fraud or deceit in conduct or relations with the City subscribers, under this Franchise;

6. The City condemns all of t property of the Grantee within t City by lawful exercise of emine domain.

ARTICLE V
Ordinance of Revocation

No revocation provided for in t

previous paragraph except for reasons of condemnation, shall be effective unless or until the City Council adopts an ordinance setting forth the cause and reason for the revocation and the effective date thereof. Such ordinance shall not be adopted without thirty (30) days prior written notice thereof to the Grantee and an opportunity for the Grantee to be heard on the proposed adoption of said proposed ordinance. If the revocation as proposed in said ordinance depends upon a finding of fact, such finding of fact must be made by the City Council after a conclusive hearing is provided, if requested by the Grantee.

ARTICLE VI
Consideration

In consideration of the grant of the Franchise to the Grantee, the Grantee shall pay to the City, in arrears, an amount equal to one percent (1%) of the annual Gross Revenue from the operation of the business in said City. Such payment shall be made in one (1) payment, on or before the first day of January of each year during the terms of this ordinance. The City agrees to accept this sum as full and fair compensation.

ARTICLE VII
Indemnification

The Grantee shall, concurrently with the filing of the acceptance of this Franchise, furnish to the City and file with the City Clerk a liability insurance policy in the amount of One Million Dollars ($1,000,000) with a company approved by the City of Almena and in a form satisfactory to the City Attorney indemnifying and defending the City, its officers, boards, commissions, agents and employees from and against any and all claims, demands, actions, suits and proceedings by others, against all liabilities to others and against any loss, costs, expense or damages resulting therefrom, arising out of the exercise or enjoyment of this Franchise.

ARTICLE VIII
Use and Installation

SECTION 1: Degree of Care. The Grantee or any persons, firm or corporation erecting, constructing or maintaining any of the property used by or for the Grantee shall at all times employ due care or the highest degree of care required by law under the facts and circumstances and shall maintain and install the property of the Grantee in accordance with commonly accepted methods and principals so as to prevent failures and accidents likely to damage, injure or create a public nuisance.

SECTION 2: Location of Facility. All communications facilities shall be located so as to cause minimum interference with the proper use of streets and the rights and reasonable convenience of property owners abutting the streets. In no event shall such facilities be located so as to substantially interfere with the usual public travel on any street of the City.

SECTION 3: Damage to Public Property. Whenever the Grantee or any person on its behalf causes any injuries or damage to any public property or street by or because of the installation, maintenance or operation of the communications facilities, such injury or damage shall be immediately remedied in such fashion as directed by the City Council.

SECTION 4: Tree Trimming. The Grantee shall have authority to trim trees upon and over the streets of the City so as to prevent the branches of such trees from coming in contact with wires, cables and other facilities of the Grantee. All trimmings shall be done under the supervision of the City Superintendent at the expense of the Grantee.

ARTICLE IX
Removal and Abandonment of Property

If the Franchise is terminated or revoked, the Grantee shall promptly, upon ninety (90) days written notice, remove from the streets all its facilities other than that which the City of Almena, Kansas, may permit to be abandoned in place. In the event of such removal, the Grantee shall promptly return the street to the like or similar condition which it was in before the facilities were placed.

ARTICLE X
Operation and Maintenance

The Grantee shall render efficient service, make repairs promptly and only interrupt service for good cause for the shortest time possible.

In order to limit failure and malfunctions of the cable television system and to enable prompt correction at all times after notice of malfunction or failure, the Grantee shall consistently maintain a listed telephone, which shall be operated to receive complaints, requests for repairs or adjustments because of malfunctions at any time of day Sunday through Saturday, including holidays.

ARTICLE XI
Compliance with the Law

Grantee shall, at all times during the term of this Franchise, be subject to all lawful exercises of the police power of the City and to such reasonable regulations as the City shall prescribe for the general conduct of persons providing communications service within the City.

ARTICLE XII
Emergency Use

In the event of an emergency or disaster, the Grantee shall, at the request of the City, make available its facilities to the City for emergency use during the period of such emergency or disaster and shall provide such personnel to operate properly under the circumstances.

ARTICLE XIII
Books and Records

The Grantee shall file with the City Clerk's Office true and accurate maps or plats of all existing installation systems on the streets of the City.

ARTICLE XIV
Sale or Lease of Franchise

The Franchise shall be deemed a privilege to be held in personal trust by the Grantee. It may not be sold, transferred, leased, assigned or disposed of in whole or in part either by force of voluntary sale, consolidation or otherwise without the prior consent of the City Council, expressed by resolution, and then only under such conditions as may herein be prescribed.

ARTICLE XV
Grantee Without Recourse

The Grantee shall have no recourse whatsoever against the City for any loss, cost, expense or damage arising out of any of the provisions or requirements of this Franchise or because of the enforcement thereof by the City, nor for the failure of the City to have the authority to grant all or any part of the Franchise.

ARTICLE XVI
Grantee's Rates and Regulations

The rates and charges of the Grantee for its services to any subscriber shall be fair and reasonable and no higher than necessary to meet all costs of service, assuming efficient and economical management, including a fair return on the fair value of the properties devoted to such service and such rates and charges shall not be unreasonable or discriminatory.

ARTICLE XVII
Notice

Whenever, under the terms of this Franchise, either party shall be required or permitted to give notice to the other, such notice shall be in writing and if to be served upon the City it shall be delivered by first class mail to the City of Almena, Almena, Kansas 67622. If to the Grantee, it shall be delivered by first class mail to CEO/General Manager, 145 North Main, Lenora, Kansas 67645, with a copy to Corporate Counsel, 2130 South Ohio, Suite B, Salina, Kansas 67401.

ARTICLE XVIII
Service to Public Facilities

The Grantee shall provide without charge one connection for cable television service to each elementary and high school, public and parochial, and to each public library and City office. Grantee will provide basic and expanded cable television service to these connections without charge.

ARTICLE XIX

That this ordinance shall take effect from and after its passage and publication in the official City newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Almena, Kansas, on this 10th day of July, 2000.

CITY OF ALMENA, KANSAS
By: Gerald D. Wilson, Mayor

ATTEST:
Regina Geiswein, City/Clerk

Proof of Publication

STATE OF KANSAS

NORTON

COUNTY

SS.

Larry Boyd

of lawful age, being duly sworn upon oath states that he

is the bookkeeper

of The NORTON DAILY TELEGRAM

THAT said newspaper has been published at least two hundred fifty (250) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication:

THAT said paper has a general paid circulation on a daily basis in NORTON County, Kansas, and is

NOT a trade, religious or fraternal publication and has been

PRINTED and published in NORTON County, Kansas.

THE ATTACHED was published on the following dates in a regular issue of said newspaper:

1st Publication was made on the 19 day of July 2000

2nd Publication was made on the 25 day of July 2000

3rd Publication was made on the ____ day of ____ 2000

4th Publication was made on the ____ day of ____

5th Publication was made on the ____ day of ____

57" Publication Fee $ 507.30

Affidavit, Notary's Fees $ ____

Additional Copies ____ at $ ____

Total Publication Fee $ 507.30

(Sign) Larry Boyd

Witness my hand this 26th day of July 2000

SUBSCRIBED And Sworn to before me this 26th day of July 2000

PATTI LONG
Notary Public - State of Kansas
My Appt. Expires 1-17-2004

Patti Long

the City.

SECTION 5. Damage to Public Property. Whenever the Grantee or any person on its behalf causes any injuries or damage to any public property or street by or because of the construction, maintenance or operation of the communications facilities, such injury or damage shall be immediately remedied in such manner as directed by the City Council.

SECTION 6. Trees Trimming. The Grantee shall have authority to trim trees upon and over the streets of the City so as to prevent the branches of such trees from coming in contact with wires, cables and other facilities of the Grantee. All trimmings shall be done under the supervision of the City Superintendent at the expense of the Grantee.

ARTICLE IX

Removal and Abandonment of Property

If this Franchise is forfeited or revoked, the Grantee shall promptly, upon ninety (90) days written notice, remove from the streets all its facilities other than that which the City of Almena, Kansas, may permit to be abandoned in place. In the event of such removal, the Grantee shall promptly restore the street to the like or similar condition which it was in before the facilities were placed.

ARTICLE X

Operation and Maintenance

The Grantee shall render efficient service, make repairs promptly and only interrupt service for good cause for the shortest time possible.

In order to limit future and malfunctions of the cable television system and to enable prompt correction at all times after notice of malfunction or failure, the Grantee shall constantly maintain a listed telephone, which shall be operated to receive complaints, requests for repairs or adjustments because of malfunctions at any time of day between 8:00 a.m. through 5:00 p.m. including weekends.

ARTICLE XI

Compliance with the Law

Grantee shall, at all times during the term of this franchise, be subject to all lawful exercises of the police power of the City and to such reasonable regulations as the City shall prescribe for the general conduct of persons providing communications service within the City.

ARTICLE XII

Emergency Use

In the event of an emergency or disaster, the Grantee shall, at the request of the City, make available to facilities as the City for emergency use during the period of such emergency or disaster and shall provide such personnel to operate property under the circumstances.

ARTICLE XIII

Books and Records

The Grantee shall file with the City Clerk's Office true and accurate maps or plats of all existing installation systems on the streets of the City.

ARTICLE XIV

Sale or Lease of Franchise

The Franchise shall be deemed a privilege to be held in personal trust by the Grantee. It may not be sold, transferred, leased, assigned or disposed of in whole or in part either by force of voluntary sale, consolidation or otherwise without the prior consent of the City Council, expressed by resolution, and then only upon such conditions as may herein be prescribed.

ARTICLE XV

Grantee Without Recourse

The Grantee shall have no recourse whatsoever against the City for any loss, cost, expense or damage arising out of any of the provisions or requirements of this Franchise or because of the enforcement thereof by the City nor for the failure of the City to have the authority to grant all or any part of the Franchise.

ARTICLE XVI

Grantee's Rates and Regulations

The rates and charges of the Grantee for its services to any subscriber shall be fair and reasonable and no higher than necessary to meet all costs of service including ordinary expenses and depreciation, management, engineering and legal costs, including a fair return on the investment of the properties devoted to such service and such rates and charges imposed for any extensions or alterations.

ARTICLE XVII

Notice

Whenever under the terms of this Franchise, either party shall be required or permitted to give notice to the other, such notice shall be in writing and it is to be served upon the City it shall be delivered by first class mail to the City of Almena, Almena, Kansas 67622, or to the Grantee it shall be delivered by first class mail to Cox General Manager, 161 North Main Ulysses, Kansas 67880, with a copy to Corporate Counsel, 2150 South Ohio, Suite 6, Salina, Kansas 67401.

ARTICLE XVIII

Service to Public Facilities

The Grantee shall provide without charge one connection for cable television service to each elementary and high school, public and parochial, and to each public library and city office. Grantee will provide basic and expanded cable television service to these connections, without charge.

ARTICLE XIX

Such city ordinance shall take effect from and after its passage and publication in the official City newspaper.

Passed and ADOPTED by the Governing Body of the City of Almena, Kansas, on this 10th day of July 2000.

CITY OF ALMENA, KANSAS
By Gerald D. Wilson, Mayor

ATTEST:
Virginia Swanson, City Clerk

ORDINANCE NO. 391

AN ORDINANCE AMENDING THE REQUIRED CASH DEPOSIT, SERVICE FEE, AND RECONNECTION CHARGES FOR UTILITY SERVICES WITHIN THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas, as follows:

SECTION ONE: Section 15-105 of the Code of the City of Almena, Kansas shall be amended by deleting the present provisions in their entirety, and replacing them with the following provisions:

"**SERVICE FEE.** When a property owner or customer makes an initial application for utility service, he or she shall pay a service fee for connecting and providing service to the property owner or customer. The service or installation fee for water service shall be **$35.00**.

UTILITY DEPOSIT. (a) At the time of making application for utility service, the property owner or customer shall make a cash deposit in the amount set by the governing body to secure payment of accrued bills or bills due on discontinuance of service. Receipt thereof shall be issued to each such depositor.

(b) A person applying for municipal utility services shall pay a deposit equalling the sum of two and one-half (2 1/2) times the minimum fee charged by the governing body for one (1) month of utility services, and the deposit shall be refundable in six (6) months from the time the deposit was made if the user's account with the City is in good standing at that time.

(c) The deposit so made shall be kept by the City Clerk in a separate account and deposited in a fund designated as the "meter deposit fund." Interest shall be payable at the rate determined by the State Corporation Commission yearly and credited to the customer's account January 1st of each calendar year.

(d) The deposit and interest accrued shall be payable in cash upon demand by the property owner depositing the same or it may be credited on the payment of any bill rendered; provided, that at the second interest payment date following the deposit required above, the City Clerk shall refund the deposit of any depositor who is owner of the premises wherein such water service is being furnished and has not been delinquent in payment of any water service charge during the past year. Interest due and accrued shall not draw interest.

(e) Upon the discontinuance of any service at the request of the depositor, the deposit shall be refunded upon surrender of the original receipt therefor together with the accrued interest thereon less any amount due and owing the City for services furnished prior thereto.

(f) Any security deposit not refunded within three (3) years after discontinuance of service shall be deposited in the water fund of the City upon compliance with the provisions of K.S.A. 12-822 as amended."

SECTION TWO: Section 15-107 of the Code of the City of Almena, Kansas, shall be amended by deleting the present provisions in their entirety, and replacing them with the following provisions:

"**RECONNECTION CHARGE.** Prior to reconnecting any water or sewer service disconnected following a delinquency, the customer shall pay to the City the entire balance due and owing at the time of reconnection plus a reconnection charge in the following amounts:

(a) $40.00 for the first reconnection;

(b) $80.0 for the second reconnections within 12 months of the first;

(c) $125.00 for the third and subsequent reconnections within 12 months of the first."

SECTION THREE: This ordinance shall be in full force and effect from and after its passage and publication in the official City newspaper.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, this 1st day of May, 2000.

CITY OF ALMENA, KANSAS

Gerald Wilson, Mayor

ATTEST:

Regina Gieswein, City Clerk

Proof of Publication

STATE OF KANSAS

NORTON

COUNTY

SS.

Larry Boyd

of lawful age, being duly sworn upon oath states that he

is the bookkeeper

of The NORTON DAILY TELEGRAM

THAT said newspaper has been published at least two hundred fifty (250) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication;

THAT said paper has a general paid circulation on a daily basis in NORTON County, Kansas, and is

NOT a trade, religious or fraternal publication and has been

PRINTED and published in NORTON County, Kansas.

THE ATTACHED was published on the following dates in a regular issue of said newspaper:

1st
Publication was made on the 9 day of May, 2000

2nd
Publication was made on the ____ day of ____, 2000

3rd
Publication was made on the ____ day of ____, 2000

4th
Publication was made on the ____ day of ____, ____

5th
Publication was made on the ____ day of ____, ____

14" Publication Fee $ 62.30

Affidavit, Notary's Fees $ ____

Additional Copies ___ at ___ $ ____

Total Publication Fee $ 62.30

(Sign) Larry Boyd

Witness my hand this 10 day of May, 2000

SUBSCRIBED And Sworn to before me this 10 day of May, 2000

Cynthia J. Linner

CYNTHIA J. LINNER
NOTARY PUBLIC
STATE OF KANSAS
MY APPT. EXPIRES 1-21-2002

Published in the Norton Daily Telegram on Tuesday, May 9, 2000.

1T

ORDINANCE NO. 391

AN ORDINANCE AMENDING THE REQUIRED CASH DEPOSIT, SERVICE FEE, AND RECONNECTION CHARGES FOR UTILITY SERVICES WITHIN THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas, as follows:

SECTION ONE: Section 15-105 of the Code of the City of Almena, Kansas shall be amended by deleting the present provisions in their entirety, and replacing them with the following provisions:

"SERVICE FEE. When a property owner or customer makes an initial application for utility service, he or she shall pay a service fee for connecting and providing service to the property owner or customer. The service or installation fee for water service shall be $35.00.

UTILITY DEPOSIT. (a) At the time of making application for utility service, the property owner or customer shall make a cash deposit in the amount set by the governing body to secure payment of accrued bills or bills due on discontinuance of service. Receipt thereof shall be issued to each such depositor.

(b) A person applying for municipal utility services shall pay a deposit equalling the sum of two and one-half (2 1/2) times the minimum fee charged by the governing body for one (1) month of utility services, and the deposit shall be refundable in six (6) months from the time the deposit was made if the user's account with the City is in good standing at that time.

(c) The deposit so made shall be kept by the City Clerk in a separate account and deposited in a fund designated as the "meter deposit fund." Interest shall be payable at the rate determined by the State Corporation Commission yearly and credited to the customer's account January 1st of each calendar year.

(d) The deposit and interest accrued shall be payable in cash upon demand by the property owner depositing the same or it may be credited on the payment of any bill rendered; provided, that at the second interest payment date following the deposit required above, the City Clerk shall refund the deposit of any depositor who is owner of the premises wherein such water service is being furnished and has not been delinquent in payment of any water service charge during the past year. Interest due and accrued shall not draw interest.

(e) Upon the discontinuance of any service at the request of the depositor, the deposit shall be refunded upon surrender of the original receipt therefor together with the accrued interest thereon less any amount due and owing the City for services furnished prior thereto.

(f) Any security deposit not refunded within three (3) years after discontinuance of service shall be deposited in the water fund of the City upon compliance with the provisions of K.S.A. 12-822 as amended."

SECTION TWO: Section 15-107 of the Code of the City of Almena, Kansas, shall be amended by deleting the present provisions in their entirety, and replacing them with the following provisions:

"RECONNECTION CHARGE. Prior to reconnecting any water or sewer service disconnected following a delinquency, the customer shall pay to the City the entire balance due and owing at the time of reconnection plus a reconnection charge in the following amounts:

(a) $40.00 for the first reconnection;

(b) $80.00 for the second reconnections within 12 months of the first;

(c) $125.00 for the third and subsequent reconnections within 12 months of the first."

SECTION THREE: This ordinance shall be in full force and effect from and after its passage and publication in the official City newspaper.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, this 1st day of May, 2000.

CITY OF ALMENA, KANSAS
Gerald Wilson, Mayor

ATTEST:
Regina Gieswein, City Clerk

Amended to 406

ORDINANCE NO. 392

AN ORDINANCE AMENDING RATES CHARGED FOR USE OF WATER WITHIN THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

SECTION ONE: Section 15-224 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"**RATES.** The rates per month for the use of water in the City shall be as follows:

(a) For customers within the City: $15.50 per month for the first 3,000 gallons used, and an additional $1.25 per 1,000 gallons used over the 3,000 gallon minimum.

(b) For customers outside the City: $20.50 for the first 3,000 gallons of water used and an additional $1.25 per 1,000 gallons used over the 3,000 gallon minimum."

SECTION TWO: Ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE: This ordinance shall be published in the official City newspaper and take effect on June 15, 2000.

PASSED AND APPROVED this 5th day of June, 2000.

CITY OF ALMENA, KANSAS

Gerald D Wilson

Gerald Wilson, Mayor

ATTEST:

Regina Gieswein

Regina Gieswein, City Clerk

Proof of Publication

STATE OF KANSAS

NORTON

COUNTY

SS.

Larry Boyd

of lawful age, being duly sworn upon oath states that he

is the bookkeeper

of The NORTON DAILY TELEGRAM

THAT said newspaper has been published at least two hundred fifty (250) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication;

THAT said paper has a general paid circulation on a daily basis in NORTON County, Kansas, and is

NOT a trade, religious or fraternal publication and has been

PRINTED and published in NORTON County, Kansas,

THE ATTACHED was published on the following dates in a regular issue of said newspaper:

1st
Publication was made on the 13 day of June, 2000

2nd
Publication was made on the _____ day of _____, 2000

3rd
Publication was made on the _____ day of _____, 2000

4th
Publication was made on the _____ day of _____, _____

5th
Publication was made on the _____ day of _____, _____

4.75" Publication Fee $ 21.14

Affidavit, Notary's Fees $ _____

Additional Copies _____ at $ _____

Total Publication Fee $ 21.14

(Sign) Larry Boyd

Witness my hand this 23 day of June, 2000

SUBSCRIBED And Sworn to before me this 23

day of June, 2000

Rhonda L Frack

RHONDA L. FRACK
Notary Public - State of Kansas
My Appt. Expires 8-03-02

Published in the Norton Daily Telegram on Tuesday, June 13, 2000.

1T

ORDINANCE NO. 392

AN ORDINANCE AMENDING RATES CHARGED FOR USE OF WATER WITHIN THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

SECTION ONE: Section 15-224 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"RATES. The rates per month for the use of water in the City shall be as follows:

(a) For customers within the City: $15.50 per month for the first 3,000 gallons used, and an additional $1.25 per 1,000 gallons used over the 3,000 gallon minimum.

(b) For customers outside the city: $20.50 for the first 3,000 gallons of water used and an additional $1.25 per 1,000 gallons used over the 3,000 gallon minimum."

SECTION TWO: Ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE: This ordinance shall be published in the official City newspaper and take effect on June 15, 2000.

PASSED AND APPROVED this 5th day of June, 2000.

CITY OF ALMENA, KANSAS
Gerald Wilson, Mayor

ATTEST:
Regina Gieswein, City Clerk

406

ORDINANCE NO. 393

AN ORDINANCE AMENDING SEWER SERVICE CHARGES FOR THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

SECTION ONE: Section 15-428 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"**SEWER SERVICE CHARGE.** The monthly charge for service shall be as follows:

(a) Single family residential customers within the City - $7.00 per month;

(b) Single family residential customers outside the City - $9.00 per month;

(c) All other customers - $7.00 per month."

SECTION TWO: Ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE: This ordinance shall be published in the official City newspaper and take effect on June 15, 2000.

PASSED AND APPROVED this 5th day of June, 2000.

CITY OF ALMENA, KANSAS

Gerald D Wilson

Gerald Wilson, Mayor

ATTEST:

Regina Gieswein

Regina Gieswein, City Clerk

Proof of Publication

STATE OF KANSAS

NORTON

COUNTY

SS.

Larry Boyd

of lawful age, being duly sworn upon oath states that he

is the bookkeeper

of The NORTON DAILY TELEGRAM

THAT said newspaper has been published at least two hundred fifty (250) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication:

THAT said paper has a general paid circulation on a daily basis in NORTON County, Kansas, and is

NOT a trade, religious or fraternal publication and has been

PRINTED and published in NORTON County, Kansas.

THE ATTACHED was published on the following dates in a regular issue of said newspaper:

1st
Publication was made on the 13 day of June, 2000

2nd
Publication was made on the ____ day of ____, 2000

3rd
Publication was made on the ____ day of ____, 2000

4th
Publication was made on the ____ day of ____, ____

5th
Publication was made on the ____ day of ____, ____

4.5" Publication Fee $ 20.03

Affidavit, Notary's Fees $ ____

Additional Copies ____ at $ ____

Total Publication Fee $ 20.03

(Sign) Larry Boyd

Witness my hand this 23 day of June, 2000

SUBSCRIBED And Sworn to before me this 23

day of June, 2000

Rhonda L Frack

RHONDA L. FRACK
Notary Public - State of Kansas
My Appt. Expires 8-03-02

Published in the Norton Daily Telegram on Tuesday, June 13, 2000.

1T

ORDINANCE NO. 393
AN ORDINANCE AMENDING SEWER SERVICE CHARGES FOR THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

SECTION ONE: Section 15-428 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"SEWER SERVICE CHARGE. The monthly charge for service shall be as follows:

(a) Single family residential customers within the City - $7.00 per month;

(b) Single family residential customers outside the City - $9.00 per month;

(c) All other customers - $7.00 per month."

SECTION TWO: Ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE: This ordinance shall be published in the official City newspaper and take effect on June 15, 2000.

PASSED AND APPROVED this 5th day of June, 2000.

CITY OF ALMENA, KANSAS
Gerald Wilson, Mayor

ATTEST:
Regina Gieswein, City Clerk

ORDINANCE NO. 394

AN ORDINANCE AMENDING SOLID WASTER COLLECTION AND DISPOSAL CHARGES WITHIN THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

SECTION ONE: Section 15-519 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"FEE SCHEDULE.

(a) For each single-family dwelling or each unit of a multiple-family dwelling containing three (3) of less dwelling units, $13.65 per month will be charged.

(b) For each commercial establishment and each multi-family dwelling containing more than three (3) dwelling units, monthly charges shall be made in accordance with a schedule prepared and approved by the governing body, which schedule shall be based upon the volume of refuse generated or the time expended in collection and disposal thereof. For those establishments or dwelling units utilizing trash dumpster, the charge shall be 50 percent (50%) of the prevailing tipping fee assessable by the Norton County Landfill for the rated dumpster capacity. Solid waste placed for collection which exceeds the capacity of the dumpster at the time of collection will be assessed an extra pick up charge.

(c) Mobile home courts shall be charged fees established in the same manner and at the same rate as commercial establishments; however, for each mobile home that may be serviced individually, the normal residential charge of $13.65 per month shall apply.

(d) Commercial establishments or multiple-family dwelling units containing more than three (3) dwelling units requesting and receiving collection service outside the corporate limits of the City of Almena shall be charged 75 percent (75%) of the prevailing tipping fee assessable by the Norton County Landfill for the rated dumpster capacity. Commercial establishments and each multi-family dwelling containing more than three (3) dwelling units requesting and receiving collection service outside the City of Almena not utilizing dumpsters shall be charged $18.65 for collection of no more than three (3) trash cans; collection exceeding three (3) trash cans shall be assessed an extra pick up charge. Single family dwellings and each unit of a multi-family dwelling containing three (3) or less dwelling units requesting and receiving collection service outside the corporate limits of the City of Almena shall pay a charge of $18.65 per month."

SECTION TWO: Ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE: This ordinance shall be published in the official City newspaper and take effect on June 15, 2000.

PASSED AND APPROVED this 5th day of June, 2000.

CITY OF ALMENA, KANSAS

Gerald D Wilson

Gerald Wilson, Mayor

ATTEST:

Regina Gieswein

Regina Gieswein, City Clerk

Proof of Publication

STATE OF KANSAS

NORTON

COUNTY

ss.

Larry Boyd

of lawful age, being duly sworn upon oath states that he

is the bookkeeper

of The NORTON DAILY TELEGRAM

THAT said newspaper has been published at least two hundred fifty (250) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication;

THAT said paper has a general paid circulation on a daily basis in NORTON County, Kansas, and is

NOT a trade, religious or fraternal publication and has been

PRINTED and published in NORTON County, Kansas.

THE ATTACHED was published on the following dates in a regular issue of said newspaper:

1st
Publication was made on the 13 day of June, 2000

2nd
Publication was made on the ____ day of ____, 2000

3rd
Publication was made on the ____ day of ____, 2000

4th
Publication was made on the ____ day of ____, ____

5th
Publication was made on the ____ day of ____, ____

10.75" Publication Fee $ 47.84

Affidavit, Notary's Fees $ ____

Additional Copies ____ at $ ____

Total Publication Fee $ 47.84

(Sign) Larry Boyd

Witness my hand this 23 day of June, 2000

SUBSCRIBED And Sworn to before me this 23

day of June, 2000

Rhonda L Frack

RHONDA L. FRACK
Notary Public - State of Kansas
My Appt. Expires 8-03-02

Published in the Norton Daily Telegram on Tuesday, June 13, 2000.

1T

ORDINANCE NO. 394

AN ORDINANCE AMENDING SOLID WASTE COLLECTION AND DISPOSAL CHARGES WITHIN THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

SECTION ONE: Section 15-519 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"FEE SCHEDULE.

(a) For each single-family dwelling or each unit of a multiple-family dwelling containing three (3) or less dwelling units, $13.65 per month will be charged.

(b) For each commercial establishment and each multi-family dwelling containing more than three (3) dwelling units, monthly charges shall be made in accordance with a schedule prepared and approved by the governing body, which schedule shall be based upon the volume of refuse generated or the time expended in collection and disposal thereof. For those establishments or dwelling units utilizing trash dumpster, the charge shall be 50 percent (50%) of the prevailing tipping fee assessable by the Norton County Landfill for the rated dumpster capacity. Solid waste placed for collection which exceeds the capacity of the dumpster at the time of collection will be assessed an extra pick up charge.

(c) Mobile home courts shall be charged fees established in the same manner and at the same rate as commercial establishments; however, for each mobile home that may be serviced individually, the normal residential charge of $13.65 per month shall apply.

(d) Commercial establishments or multiple-family dwelling units containing more than three (3) dwelling units requesting and receiving collection service outside the corporate limits of the City of Almena shall be charged 75 percent (75%) of the prevailing tipping fee assessable by the Norton County Landfill for the rated dumpster capacity. Commercial establishments and each multi-family dwelling containing more than three (3) dwelling units requesting and receiving collection service outside the City of Almena not utilizing dumpsters shall be charged $18.65 for collection of no more than three (3) trash cans; collection exceeding three (3) trash cans shall be assessed an extra pick up charge. Single family dwellings and each unit of a multi-family dwelling containing three (3) or less dwelling units requesting and receiving collection service outside the corporate limits of the City of Almena shall pay a charge of $18.65 per month."

SECTION TWO: Ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE: This ordinance shall be published in the official City newspaper and take effect on June 15, 2000.

PASSED AND APPROVED this 5th day of June, 2000.

CITY OF ALMENA, KANSAS
Gerald Wilson, Mayor

ATTEST:
Regina Giesewin, City Clerk

ORDINANCE NO. 395

AN ORDINANCE AMENDING SEWER SERVICE CHARGES FOR THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

SECTION ONE: Section 15-428 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"**SEWER SERVICE CHARGE.** The monthly charge for service shall be as follows:

(a) Single family residential customers within the City - $11.00 per month;

(b) Single family residential customers outside the City - $ 22.00 per month;

(c) All other customers - $11.00 per month."

SECTION TWO: Ordinance No. 393 and all other ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE: This ordinance shall be published in the official City newspaper and take effect on May 15, 2001.

PASSED AND APPROVED this 7th day of May, 2001.

CITY OF ALMENA, KANSAS

Gerald D Wilson

Gerald Wilson, Mayor

ATTEST:

Regina Gieswein

Regina Gieswein, City Clerk

Proof of Publication

State of Kansas
NORTON COUNTY

Larry Boyd of lawful age, being duly sworn upon oath states that he is the bookkeeper of the Norton Daily Telegram.

THAT said newspaper has been published at least two hundred fifty (250) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication;

THAT said paper has a general paid circulation on a daily basis in NORTON County, Kansas, and is NOT a trade, religious or fraternal publication and has been

PRINTED and published in NORTON County, Kansas.

THE ATTACHED was published on the following dates in a regular issue of the said newspaper:

1st
publication was made on the 11 day of May, 2001
2nd
publication was made on the ____ day of _____, 2001
3rd
publication was made on the ____ day of _____, 2001
4th
publication was made on the ____ day of _____, 2001
5th
publication was made on the ____ day of _____, 2001

4½"

Publication fee	$	20.03
Affidavit, Notary's fees	$	
Additional copies	$	
TOTAL publication fees	$	20.03

(Sign) Larry Boyd

Witness my hand this 17 day of May, 2001.
SUBSCRIBED And Sworn to before me this 17th day of MAY, 2001.

Sonya B. Montgomery

SONYA B. MONTGOMERY
Notary Public - State of Kansas
My Appt. Expires 7-6-04

Published in the Norton Daily Telegram on Friday, May 11, 2001.

1T

ORDINANCE NO. 395
AN ORDINANCE AMENDING SEWER SERVICE CHARGES FOR THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

SECTION ONE: Section 15-428 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"SEWER SERVICE CHARGE. The monthly charge for service shall be as follows:

(a) Single family residential customers within the City - $11.00 per month;

(b) Single family residential customers outside the City - $22.00 per month;

(c) All other customers - $11.00 per month."

SECTION TWO: Ordinance No. 393 and all other ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE: This ordinance shall be published in the official City newspaper and take effect on May 15, 2001.

PASSED AND APPROVED this 7th day of May, 2001.

CITY OF ALMENA, KANSAS
Gerald D. Wilson, Mayor

ATTEST:
Regina Gieswein, City Clerk

ORDINANCE NO. 396

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE CITY OF ALMENA, KANSAS, AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND FOR THE PURPOSE OF FINANCING A PUBLIC WATER SUPPLY PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.

WHEREAS, the Federal Water Quality Act of 1987 (the "Federal Act") established revolving fund program for public wastewater treatment systems to assist in financing the costs of infrastructure needed to achieve or maintain compliance with the Federal Act and to protect the public health and authorized the Environmental Protection Agency (the "EPA") to administer a revolving loan program operated by the individual states; and

WHEREAS, to fund the state revolving fund program, the EPA will make annual capitalization grants to the states, on the condition that each state provide a state match for such state's revolving fund; and

WHEREAS, by passage of the Kansas Water Pollution control Revolving Fund Act, K.S.A. 65-3321 through 65-3329, inclusive (the "Loan Act"), the State of Kansas (the "State") has established the Kansas Water Pollution Control Revolving Fund (the "Revolving Fund") for purposes of the Federal Act; and

WHEREAS, under the Loan Act, the Secretary of the Kansas Department of Health and Environment (KDHE") is given the responsibility for administration and management of the Revolving Fund; and

WHEREAS, the Kansas Development Finance Authority (the "Authority") and KDHE have entered into a Pledge Agreement (the "Pledge Agreement") pursuant to which KDHE agrees to enter into Loan Agreements with Municipalities for public wastewater treatment projects (the "Projects") and to pledge the Loan Repayments (as defined in the Pledge Agreement) received pursuant to such Loan Agreements to the Authority; and

WHEREAS, the Authority is authorized under K.S.A. 74-8905(a) and the Loan Act to issue revenue bonds (the "Bonds") for the purpose of providing funds to implement the State's requirements under the Federal Act and to loan the same, together with available funds from the

EPA capitalization grants, to Municipalities within the State for the payment of Project Costs (as said terms are defined in the Loan Act); and

WHEREAS, the City of Almena, Kansas (the "Municipality") is a municipality as said term is defined in the Loan Act which operates a wastewater collection and treatment system (the "System"); and

WHEREAS, the System is a public Wastewater Treatment Works, as said term is defined in the Loan Act; and

WHEREAS, the Municipality has, pursuant to the Loan Act, submitted an Application to KDHE to obtain a loan from the Revolving Fund to finance the costs of improvements to its System consisting of the following:

The project consists of construction of a new wastewater treatment facility. It includes a three cell wastewater stabilization lagoon, lift state, force main, standby generator, and flow measurement equipment (the "Project"); and

WHEREAS, the Municipality has taken all steps necessary and has complied with the provisions of the Loan Act and the provisions of K.A.R. 28-16-110 to 28-16-138 (the "Regulations") applicable thereto necessary to qualify for the loan; and

WHEREAS, KDHE has informed the Municipality that it has been approved for a loan in amount of not to exceed Four Hundred Twenty Six Thousand Five Hundred Dollars ($426,500) (the "Loan") in order to finance the Project; and

WHEREAS, the governing body of the Municipality hereby finds and determines that it is necessary and desirable to accept the Loan and to enter into a loan agreement and certain other documents relating thereto, and to take certain actions required in order to implement the Loan Agreement.

THEREFORE, BIT IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, KANSAS:

Section 1. Authorization of Loan Agreement. The Municipality is hereby authorized to accept the Loan and to enter into a certain Loan Agreement, with an effective date of April 24, 2001, with the State of Kansas acting by and through the Kansas Department of Health and Environment (the "Loan Agreement") to finance the Project Costs (as defined in the Loan Agreement). The Mayor and Clerk are hereby authorized to execute the Loan Agreement in substantially the form presented to the governing body this date, with such changes or modifications thereto as may be approved by the Mayor and the City Attorney, the Mayor's execution of the Loan Agreement bind conclusive evidence of such approval.

Section 2. Establishment of Dedicated Source of Revenue for Repayment of Loan. Pursuant to the Loan Act, the Municipality hereby establishes a dedicated source of revenue for repayment of the Loan. In accordance therewith, the Municipality shall impose and collect such rates, fees and charges for the use and services furnished by or through the System, including all improvements and additions thereto hereafter constructed or acquired by the Municipality as will provide System Revenues or levy ad valorem taxes without limitation as to rate or amount upon all the taxable tangible property, real or personal, with the territorial limits of the Municipality to produce amounts which are sufficient to (a) pay the costs of the operation and maintenance of the System, (b) pay the principal of and interest on the Loan as and when the same become due, and (c) pay all other amounts due at any time under the Loan Agreement; provided, however, no lien or other security interest is granted by the Municipality to KDHE on the System Revenues under this Agreement. In the event that the System Revenues are insufficient to meet the obligations under the Loan and the Loan Agreement, the Municipality shall levy ad valorem taxes without limitation as to rate of amount upon all the taxable tangible property, real or personal, within the territorial limits of the Municipality to produce the amounts necessary for the prompt payment of the obligations under the Loan and Loan Agreement.

In accordance with the Loan Act, the obligations under the Loan and the Loan Agreement shall not be included within any limitation on the bonded indebtedness of the Municipality.

Section 3. Further Authority. The Mayor, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Governing Law. The Ordinance and the Loan Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 5. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official City newspaper.

PASSED by the governing body of the City on August 6, 2001, and **APPROVED** by the mayor.

(SEAL)

Gerald D. Wilson

Gerald Wilson, Mayor

ATTEST:

Regina Gieswein, Clerk

APPROVED AD TO FORM ONLY

R. Douglas Sebelius, City Attorney

Proof of Publication

State of Kansas
NORTON COUNTY

Larry Boyd of lawful age, being duly sworn upon oath states that he is the bookkeeper of the Norton Daily Telegram.

THAT said newspaper has been published at least two hundred fifty (250) times a year and has been so published for at least one year prior to the first publication of the attached notice.

THAT said paper was entered as second class mail matter at the post office of its publication.

THAT said paper has a general paid circulation on a daily basis in NORTON County, Kansas, and is NOT a trade, religious or fraternal publication and has been

PRINTED and published in NORTON County, Kansas.

THE ATTACHED was published on the following dates in a regular issue of the said newspaper.

1st
publication was made on the 20 day of September, 2001
2nd
publication was made on the ____ day of _____, 2001
3rd
publication was made on the ____ day of _____, 2001
4th
publication was made on the ____ day of _____, 2001
5th
publication was made on the ____ day of _____, 2001

19" Publication fee $ 129.05
Affidavit, Notary's fees $ _____
Additional copies $ _____

TOTAL publication fees $ 129.05

(Sign) Larry Boyd

Witness my hand this 23rd day of October, 2001.
SUBSCRIBED And Sworn to before me this 23rd day of October, 2001. State of Kansas, County of Norton.

Sonya B. Montgomery

SONYA B. MONTGOMERY
Notary Public - State of Kansas
My Appt. Expires 7-6-04

Published in the Norton Daily Telegram on Thursday, September 20, 2001.

1T

ORDINANCE NO. 396

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOAN AGREEMENT BETWEEN THE CITY OF ALMENA, KANSAS, AND THE STATE OF KANSAS, ACTING BY AND THROUGH THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT FOR THE PURPOSE OF OBTAINING A LOAN FROM THE KANSAS WATER POLLUTION CONTROL REVOLVING FUND FOR THE PURPOSE OF FINANCING A PUBLIC WATER SUPPLY PROJECT; ESTABLISHING A DEDICATED SOURCE OF REVENUE FOR REPAYMENT OF SUCH LOAN; AUTHORIZING AND APPROVING CERTAIN DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION WITH THE LOAN AGREEMENT.

WHEREAS, the Federal Water Quality Act of 1987 (the "Federal Act") established revolving fund program for public wastewater treatment systems to assist in financing the costs of infrastructure needed to achieve or maintain compliance with the Federal Act and to protect the public health and authorized the Environmental Protection Agency (the "EPA") to administer a revolving loan program operated by the individual states; and

WHEREAS, to fund the state revolving fund program, the EPA will make annual capitalization grants to the states, on the condition that each state provide a state match for such state's revolving fund; and

WHEREAS, by passage of the Kansas Water Pollution control Revolving Fund Act, K.S.A. 65-3321 through 65-3329, inclusive (the "Loan Act"), the State of Kansas (the "State") has established the Kansas Water Pollution Control revolving Fund (the "Revolving Fund") for purposes of the Federal Act; and

WHEREAS, under the Loan Act, the Secretary of the Kansas Department of Health and Environment ("KDHE") is given the responsibility for administration and management of the Revolving Fund; and

WHEREAS, the Kansas Development Finance Authority (the "Authority") and KDHE have entered into a Pledge Agreement (the "Pledge Agreement") pursuant to which KDHE agrees to enter into Loan Agreements with Municipalities for public wastewater treatment projects (the "Projects") and to pledge the Loan Repayments (as defined in the Pledge Agreement) received pursuant to such Loan Agreements to the Authority; and

WHEREAS, the Authority is authorized under K.S.A. 74-8905(a) and the Loan Act to issue revenue bonds (the "Bonds") for the purpose of providing funds to implement the State's requirements under the Federal Act and to loan the same, together with available funds from the EPA capitalization grants, to Municipalities within the State for the payment of Project Costs (as said terms are defined in the Loan Act); and

WHEREAS, the City of Almena, Kansas (the "Municipality") is a municipality as said term is defined in the Loan Act which operates a wastewater collection and treatment system (the "System"); and

WHEREAS, the System is a public Wastewater Treatment Works, as said term is defined in the Loan Act; and

WHEREAS, the Municipality has, pursuant to the Loan Act, submitted an Application to KDHE to obtain a loan from the Revolving Fund to finance the costs of improvements to its System consisting of the following:

The project consists of construction of a new wastewater treatment facility. It includes a three cell wastewater stabilization lagoon, lift state, force main, standby generator, and flow measurement equipment (the "Project"); and

WHEREAS, the Municipality has taken all steps necessary and has complied with the provisions of the Loan Act and the provisions of K.A.R. 28-16-110 to 28-16-138 (the "Regulations") applicable thereto necessary to qualify for the loan; and

WHEREAS, KDHE has informed

State of Kansas acting by and through the Kansas Department of Health and Environment (the "Loan Agreement") to finance the Project Costs (as defined in the Loan Agreement). The Mayor and Clerk are hereby authorized to execute the Loan Agreement in substantially the form presented to the governing body this date, with such changes or modifications thereto as may be approved by the Mayor and the City Attorney, the Mayor's execution of the Loan Agreement bind conclusive evidence of such approval.

Section 2. Establishment of Dedicated Source of Revenue for Repayment of Loan. Pursuant to the Loan Act, the Municipality hereby establishes a dedicated source of revenue for repayment of the Loan. In accordance therewith, the Municipality shall impose and collect such rates, fees and charges for the use and services furnished by or through the System, including all improvements and additions thereto hereafter constructed or acquired by the Municipality as will provide System Revenues or levy ad valorem taxes without limitation as to rate or amount upon all the taxable tangible property, real or personal, with the territorial limits of the Municipality to produce amounts which are sufficient to (a) pay the costs of the operation and maintenance of the System, (b) pay the principal of and interest on the Loan as and when the same become due, and (c) pay all other amounts due at any time under the Loan Agreement; provided, however, no lien or other security interest is granted by the Municipality to KDHE on the System Revenues under this Agreement. In the event that the System Revenues are insufficient to meet the obligations under the Loan and the Loan Agreement, the Municipality shall levy ad valorem taxes without limitation as to rate of amount upon all the taxable tangible property, real or personal, within the territorial limits of the Municipality to produce the amounts necessary for the prompt payment of the obligations under the Loan and Loan Agreement.

In accordance with the Loan Act, the obligations under the Loan and the Loan Agreement shall not be included within any limitation on the bonded indebtedness of the Municipality.

Section 3. Further Authority. The Mayor, Clerk and other City officials are hereby further authorized and directed to execute any and all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of the Ordinance, and to make alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 4. Governing Law. The Ordinance and the Loan Agreement shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

Section 5. Effective Date. This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication in the official City newspaper.

PASSED by the governing body of the City on August 6, 2001, and **APPROVED** by the mayor.

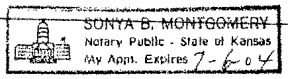
(SEAL)

Gerald Wilson, Mayor

ATTEST:
Regina Gieswein, Clerk
APPROVED AD TO FORM ONLY
R. Douglas Sebelius, City Attorney

of Norton.

Sonya B. Montgomery



pose of providing ment the State's requirements under the Federal Act and to loan the same, together with available funds from the EPA capitalization grants, to Municipalities within the State for the payment of Project Costs (as said terms are defined in the Loan Act); and

WHEREAS, the City of Almena, Kansas (the "Municipality") is a municipality as said term is defined in the Loan Act which operates a wastewater collection and treatment system (the "System"); and

WHEREAS, the System is a public Wastewater Treatment Works, as said term is defined in the Loan Act; and

WHEREAS, the Municipality has, pursuant to the Loan Act, submitted an Application to KDHE to obtain a loan from the Revolving Fund to finance the costs of improvements to its System consisting of the following:

The project consists of construction of a new wastewater treatment facility. It includes a three cell wastewater stabilization lagoon, lift state, force main, standby generator, and flow measurement equipment (the "Project"); and

WHEREAS, the Municipality has taken all steps necessary and has complied with the provisions of the Loan Act and the provisions of K.A.R. 28-16-110 to 28-16-138 (the "Regulations") applicable thereto necessary to qualify for the loan; and

WHEREAS, KDHE has informed the Municipality that it has been approved for a loan in amount of not to exceed Four Hundred Twenty Six Thousand Five Hundred Dollars ($426,500) (the "Loan") in order to finance the Project; and

WHEREAS, the governing body of the Municipality hereby finds and determines that it is necessary and desirable to accept the Loan and to enter into a loan agreement and certain other documents relating thereto, and to take certain actions required in order to implement the Loan Agreement.

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

Section 1. Authorization of Loan Agreement. The Municipality is hereby authorized to accept the Loan and to enter into a certain Loan Agreement, with an effective date of April 24, 2001, with the

herein approved, confirmed which they may ap prove, and the execution or takir of such action shall be conclusiv evidence of such necessity or advi ability.

Section 4. Governing Law. T Ordinance and the Loan Agreeme shall be governed exclusively and construed in accordance w the applicable laws of the State Kansas.

Section 5. Effective Date. T Ordinance shall take effect and in full force from and after its p sage by the governing body of City and publication in the offi City newspaper.

PASSED by the governing bod the City on August 6, 2001. **APPROVED** by the mayor.

(SEAL)

Gerald Wilson, M.

ATTEST:
Regina Gieswein, Clerk
APPROVED AD TO FORM ONLY
R. Douglas Sebelius, City Attor

#395 to AMENDED

ORDINANCE NO. 397

AN ORDINANCE AMENDING SEWER SERVICE CHARGES FOR THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

SECTION ONE: Section 15-428 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"**SEWER SERVICE CHARGE.** The monthly charge for service shall be as follows:

(a) Single family residential customers within the City - $17.50 per month;

(b) Single family residential customers outside the City - $35.00 per month;

(c) All other customers - $17.50 per month."

SECTION TWO: Ordinance No. 395 and all other ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE: This ordinance shall be published in the official City newspaper and take effect on January 1, 2002.

PASSED AND APPROVED this 3rd day of December, 2001.

CITY OF ALMENA, KANSAS

Gerald D Wilson

Gerald Wilson, Mayor

ATTEST:

Regina Gieswein

Regina Gieswein, City Clerk

Proof of Publication

State of Kansas
NORTON COUNTY

Larry Boyd of lawful age, being duly sworn upon oath states that he is the bookkeeper of the Norton Daily Telegram.

THAT said newspaper has been published at least two hundred (200) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication;

THAT said paper has a general paid circulation on a daily basis in NORTON County, Kansas, and is NOT a trade, religious or fraternal publication and has been

PRINTED and published in NORTON County, Kansas.

THE ATTACHED was published on the following dates in a regular issue of the said newspaper:

1st
publication was made on the 7 day of December, 2001
2nd
publication was made on the ____ day of _____, 2001
3rd
publication was made on the ____ day of _____, 2001
4th
publication was made on the ____ day of _____, 2001
5th
publication was made on the ____ day of _____, 2001

4.75" Publication fee $ 21.85
Affidavit, Notary's fees $ _____
Additional copies $ _____

TOTAL publication fees $ 21.85

(Sign) Larry Boyd

Witness my hand this 7th day of December, 2001.
SUBSCRIBED And Sworn to before me this 7th day of December, 2001. State of Kansas, County of Norton.

Sonya B. Montgomery

SONYA B. MONTGOMERY
Notary Public - State of Kansas
My Appt. Expires 7-6-04

Published in the Norton Daily Telegram on Friday, December 7, 2001.

1T

ORDINANCE NO. 397
AN ORDINANCE AMENDING SEWER SERVICE CHARGES FOR THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

SECTION ONE: Section 15-428 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"SEWER SERVICE CHARGE. The monthly charge for service shall be as follows:

(a) Single family residential customers within the City - $17.50 per month;

(b) Single family residential customers outside the City - $35.00 per month;

(c) All other customers - $17.50 per month."

SECTION TWO: Ordinance No. 395 and all other ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE: This ordinance shall be published in the official City newspaper and take effect on January 1, 2002.

PASSED AND APPROVED this 3rd day of December, 2001.

CITY OF ALMENA, KANSAS
Gerald Wilson, Mayor

ATTEST:
Regina Gieswein, City Clerk

ORDINANCE NO. 398

AN ORDINANCE LEVYING A CITY RETAILERS' SALES TAX IN THE AMOUNT OF ONE-HALF OF ONE PERCENT (.5%) WITHIN THE CITY OF ALMENA, KANSAS, EFFECTIVE JANUARY 1, 2003

BE IT ORDAINED by the governing body of the City of Almena, Kansas:

SECTION ONE: The majority of the electors voting thereon having approved, at a special question election held on the 5th day of November, 2002, the levying of a retailers' sales tax in the City of Almena, as authorized by K.S.A. 12-187, et.seq., as amended, there is hereby levied a City retailers' sales tax in the amount of one-half of one percent (.5%) to take effect on the 1st day of January, 2003.

SECTION TWO: Except as may otherwise be provided by law, such tax shall be identical in its application and exemptions therefrom to the Kansas Retailers' Sales Tax Act and all laws and administrative rules and regulations of the Kansas Department of Revenue relating to the State Retailers' Sales Tax shall apply to such City retailers' sales tax insofar as such laws and such regulations may be made applicable. The services of the Kansas Department of Revenue shall be utilized to administer, enforce and collect such tax.

SECTION THREE: This ordinance shall be published once in the official City newspaper, and a copy duly certified shall be submitted to the State Director of Taxation.

PASSED AND ADOPTED by the governing body of the City of Almena, Kansas, this 2nd day of December, 2002.

CITY OF ALMENA, KANSAS

Gerald D Wilson

Gerald Wilson, Mayor

ATTEST:

Twila Ingram City Clerk

Twila Ingram, City Clerk

COPY

CLERK'S CERTIFICATE

I **HEREBY CERTIFY** that the attached ordinance is a true and correct copy of the original ordinance passed and adopted by the governing body of the City of Almena, Kansas, held on the date stated therein, and that the official minutes recording the vote in favor of said ordinance on file in my office.

Twila Ingram City Clerk

Twila Ingram
Almena City Clerk

(seal)

Legal Notice

First published in Norton Telegram, Friday, October 11, 2002.

2T

NOTICE OF SPECIAL QUESTION ELECTION

TO ALL THE QUALIFIED ELECTORS OF THE CITY OF ALMENA, KANSAS:

NOTICE IS HEREBY GIVEN by the governing body of the City of Almena, Kansas, and the County Election Officer of Norton County, Kansas, that there will be a Special Question Election in the City of Almena, Kansas, on Tuesday, the 5th day of November, 2002, for the purpose of voting on the question of levying a City retailers' sales tax in the amount of one-half of one percent (.5%) on retail sales consummated within the City of Almena, Kansas, in accordance with the provisions of K.S.A. 12-187, et.seq., as amended. If approved by a majority of the electors voting thereon, such tax will take effect on the 1st day of January, 2003, and shall be collected by the State Department of Revenue, and the revenue therefrom returned to the City of Almena, Kansas.

NOTICE IS FURTHER GIVEN that the polls will be open for voting between 7:00 a.m. and 7:00 p.m. on said date at the following places:

City Hall, 415 Main Street, Almena, Kansas.

The proposition to be voted on shall appear on the ballot as follows:

"Shall the following be adopted?

Shall a retailers' sales tax in the amount of one-half of one percent (.5%) be levied in the City of Almena, Kansas, to take effect on January 1, 2003?

YES ☐ or NO ☐

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

DATED this 8th day of October, 2002.

SEAL

Robert Wyatt, Norton County Election Officer

ORDINANCE NO. 399

ORDINANCE AMENDING THE EFFECTIVE DATE OF LEVYING THE CITY RETAILERS' SALES TAX WITHIN THE CITY OF ALMENA, KANSAS

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

Section 1: The majority of the electors voting thereon having approved, at a special question election held on the 5th day of November, 2002, the levying of a retailers' sales tax in the City of Almena, Kansas, as authorized by K.S.A. 12-187 et. seq., as amended, there is hereby levied a city retailers' sales tax in the amount of one-half of one percent (.5%);

Section 2: Except as may otherwise be provided by law, such tax shall be identical in its application and exemptions therefrom to the Kansas Retailers' Sales Tax Act and all laws and administrative rules and regulations of the Kansas Department of Revenue relating to the state retailers' sales tax shall apply to such city retailers' sales tax insofar as such laws and such regulations may be made applicable. The services of the Kansas Department of Revenue shall be utilized to administer, enforce and collect such tax.

Section 3: The tax levied hereby shall take effect on the first day of April, 2003, and the conflicting provisions of Ordinance No. 398 are hereby amended.

Section 4: This ordinance shall be published once in the official city newspaper, and a copy duly certified shall be submitted to the State Director of Taxation.

PASSED AND ADOPTED by the Governing Body of the City of Almena, Kansas, this 20th day of December, 2002.

CITY OF ALMENA, KANSAS

Gerald Wilson

Gerald Wilson, Mayor

Attest:

Twila Ingram

Twila Ingram, City Clerk

CLERK'S CERTIFICATE

I **HEREBY CERTIFY** that the attached ordinance is a true and correct copy of the original ordinance passed and adopted by the governing body of the City of Almena, Kansas, held on the date stated therein, and that the official minutes recording the vote in favor of said ordinance on file in my office.

Twila Ingram
Almena City Clerk

(seal)

ORDINANCE NO. 400

AN ORDINANCE AMENDING THE WATER METER USE PROCEDURE AND ESTABLISHING A WATER METER SERVICE CHARGE WITHIN THE CITY OF ALMENA, KANSAS

BE IT ORDAINED by the governing body of the City of Almena, Kansas, as follows:

SECTION ONE: Section 15-211 of the Code of the City of Almena, Kansas, shall be amended by adding the following provisions as subsection (d):

"(d) A customer wishing to terminate water service within the City whose utility account is in good standing may request that the City maintain the water meter installation connection subject to the meter charge as provided by Section 15-107, as amended."

SECTION TWO: Section 15-107 of the Code of the City of Almena, Kansas, shall be amended by deleting the present provisions in their entirety, and replacing them with the following provisions:

"RECONNECTION CHARGE AND WATER METER SERVICE CHARGE. (a) Prior to reconnecting any water or sewer service disconnected following a delinquency, the customer shall pay to the City the entire balance due and owing at the time of reconnection, plus a reconnection charge in the following amounts:

1. $40.00 for the first reconnection;

2. $80.00 for the second reconnection within 12 months of the first;

3. $125.00 for the third and subsequent reconnections within 12 months of the first.

(b) A customer receiving approval from the City to continue a water meter connection upon discontinuance or termination of water service shall pay a service charge of $5.00 per month commencing upon the month service is terminated. Such utility account shall not be subject to the reconnection charge set forth by this section or the initial service fee required by Section 15-105 upon the resumption of water service, provided the customer's utility account is not delinquent. The customer may be subject to a new utility deposit as otherwise provided by Section 15-105."

SECTION THREE: The provisions of Section Two of Ordinance No. 391 of the City of Almena, Kansas, are hereby repealed.

SECTION FOUR: This ordinance shall be in full force and effect from and after its passage and publication in the official City newspaper.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, this ~~7th~~ 14th day of April, 2003.

CITY OF ALMENA, KANSAS

Gerald D Wilson

Gerald Wilson, Mayor

ATTEST:

Twila Ingram City Clerk

Twila Ingram, City Clerk

ORDINANCE NO. 401

AN ORDINANCE PERTAINING TO THE KEEPING OF PIT BULL, ROTTWEILER AND DOBERMAN PINSCHER DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF ALMENA, KANSAS

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

Section 1. **Animals: Keeping Prohibited.** It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Almena, Kansas:

(1) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal (including, but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats; but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes).

(2) Any animal having poisonous bites.

(3) Any Pit bull dog; provided, that Pit bull dogs registered with the City on the date of publication of this ordinance may be kept within the City subject to the standards and requirements set forth in Section 2 of this ordinance. "Pit bull dog" is defined to mean:

(a) The Staffordshire bull terrier breed of dog;
(b) The American Pit bull terrier breed of dog;
(c) The American Staffordshire terrier breed of dog; or
(d) Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American Pit bull terrier, or a combination of any of these breeds.

(4) Any Rottweiler dog; provided, Rottweiler dogs registered with the City on the date of publication of this ordinance may be kept within the City subject to the standards and requirements set forth in Section 2 of this ordinance. "Rottweiler dog" is defined to mean:

The Rottweiler breed of dog characterized as a muscular dog with short, coarse black hair, and tan or mahogany markings on the head, chest and legs.

(5) Any Doberman Pinscher dog; provided, Doberman Pinscher dogs registered with the City on the date of publication of this ordinance may be kept within the City subject to the standards and requirements set forth in Section 2 of this ordinance. "Doberman Pinscher dog" is defined to mean:

The Doberman breed of dog characterized by its black, blue or tan coat of short, smooth hair with rust-colored markings.

Section 2. **Keeping of Registered Pit Bulls, Rottweilers and Doberman Pinschers.** The provisions of Section 1 of this ordinance are not applicable to owners, keepers or harborers of Pit bull, Rottweiler or Doberman Pinscher dogs registered with the City of Almena as of June 23, 2004, the effective date of this ordinance. The keeping of such dogs, however, shall be subject to the following standards:

(1) **Leash and Muzzle.** No person shall permit a registered Pit bull, Rottweiler or Doberman Pinscher dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit such dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all such dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(2) **Confinement.** All registered Pit bull, Rottweiler or Doberman Pinscher dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered Pit bull, Rottweiler or Doberman Pinscher dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground not less than two (2) feet. All structures erected to house such dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(3) **Confinement Indoors.** No Pit bull, Rottweiler or Doberman Pinscher dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition, in addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(4) **Signs.** All owners, keepers or harborers of registered Pit bull, Rottweiler or Doberman Pinscher dogs within the City shall within 10 days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words **"Beware of Dog."** In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(5) **Insurance.** All owners, keepers or harborers of registered Pit bull, Rottweiler or Doberman Pinscher dogs must within 10 days of the effective date of this ordinance provide proof to the Almena City Clerk of public liability insurance in a single incident amount of $50,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless 10 days written notice is first given to the Almena City Clerk.

(6) **Identification Photographs.** All owners, keepers or harborers of registered Pit bull, Rottweiler or Doberman Pinscher dogs must within 10 days of the effective date of this ordinance provide to the City Clerk two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.

(7) **Reporting Requirements.** All owners, keepers or harborers of registered Pit bull, Rottweiler or Doberman Pinscher dogs must within 10 days of the incident, report the following information in writing to the Almena City Clerk as required hereinafter:

(a) The removal from the City or death of such dog;
(b) The birth of offspring of such dog; or
(c) The new address of such dog owner should the owner move within the corporate city limits.

(8) **Sale or Transfer of Ownership Prohibited.** No person shall sell, barter or in any other way dispose of a Pit bull, Rottweiler or Doberman Pinscher dog registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of such dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the City.

(9) **Animals Born of Registered Dogs.** All offspring born of Pit bull, Rottweiler or Doberman Pinscher dogs registered within the City must be removed from the City within six (6) weeks of the birth of such animal.

(10) **Irrebuttable Presumptions.** There shall be an irrebuttable presumption that any dog registered with the City as a Pit bull, Rottweiler or Doberman Pinscher dog or any of those breeds prohibited by Section 1 of the ordinance is in fact a dog subject to the requirements of this ordinance.

(11) **Failure to Comply.** It shall be unlawful for the owner, keeper or harborer of a Pit bull, Rottweiler or Doberman Pinscher dog registered with the City of Almena to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.

(12) **Violations and Penalties.** Any person violating or permitting the violation of any provision of this ordinance shall upon conviction in Municipal Court be fined a sum not less than $200.00, and not more than $1,000.00. In addition to the fine imposed, the Court may sentence the defendant to imprisonment in the County jail for a period not to exceed 30 days. In addition, the Court shall order the registration of the subject dog revoked and the dog removed from the City. Should the defendant refuse to remove the dog from the City, the Municipal Court Judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this ordinance.

(13) **Severability.** If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be part of and supplemental to Article 1, Chapter II of the Code of the City of Almena, Kansas, concerning the control and regulation of animals in the City.

Section 4. This ordinance shall take effect and be in full force from and after its publication in the official City newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Almena, Kansas, **this** 13th **day of** December, **2004.**

CITY OF ALMENA, KANSAS

Gerald D. Wilson

Gerald Wilson, Mayor

ATTEST:

Twila Ingram, City Clerk

Twila Ingram, City Clerk

Revised to H13 2-11-05

ORDINANCE NO. 402

AN ORDINANCE DIRECTING THE REMOVAL OF VEHICLES FROM CERTAIN STREETS IN ALMENA, KANSAS, DURING EMERGENCIES, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, it is in the best interests of the citizens of the City of Almena, Kansas, to provide access to all areas of the City by emergency vehicles during disasters and heavy snow conditions.

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

Section 1. DEFINITIONS. The words and phrases used in this ordinance shall have the following meanings:

A. Emergency Routes. Routes herein specified in this ordinance to provide access to major portions of the City, the business district and emergency facilities, such as the fire department and ambulance barn.

B. Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway or street.

C. Emergency Condition. Any natural or civil disaster or heavy snowfall necessitating the removal or mitigation of any impediments or hazards to vehicular traffic upon streets of the City.

Section 2. IMPLEMENTATION OF EMERGENCY ROUTE ORDINANCE. The Mayor shall publicly announce, through all news media available at the time, when an emergency condition exists, that the "Emergency Route Ordinance" is in effect, on streets marked by "Emergency Route" signs.

Section 3. VEHICLES ON STREET. Any person who parks a car or other vehicle or trailer on any emergency route is bound by the Emergency Parking Prohibition, which may be ordered by the Mayor and is expected to learn when such emergency parking restrictions are in effect. The City shall make reasonable effort to inform the public of the emergency measures; however, it is the responsibility of anyone leaving a car on the streets to keep aware of whether the Emergency Route Ordinance is in effect.

Section 4. VEHICLES IN VIOLATION. Any vehicle owner or operator who permits the vehicle, or trailer, to remain in a restricted parking area, or who in any manner interferes with snow removal from the streets shall be in violation of this article, the penalty upon conviction thereof to be not less than $25.00, nor more than $100.00. The penalty provided for violation of parking prohibition by a vehicle rests with the registered owner thereof. The fact that the vehicle was not last parked or driven by the owner thereof, or that the driver or owner was not aware of the emergency traffic provisions in effect, shall not be a defense to a charge of violating this ordinance.

Section 5. DUMPING SNOW IN STREET. Following a snow clearance, it shall be a violation of this ordinance for any person, corporation or firm to pile or dump snow on any cleared street from a private driveway or sidewalk so as to constitute an impediment or hazard to normal traffic on the street. The penalty for violation of this section shall be the same as provided for in Section 4.

Section 6. DUTY TO REMOVE SNOW. Following the snow clearance, it shall be the responsibility of property owners or occupants to remove any blockages of snow from driveways, sidewalks and vehicles in conformity with Section 5.

Section 7. EMERGENCY ROUTES DESIGNATED. Upon announcement by the Mayor that the "Emergency Route Ordinance" is in effect, the streets listed in this section shall be designated and signed "Emergency Route" and there shall be no parking thereon, and violating vehicles and trailers shall have violation notices placed thereon. "Emergency Route" signs shall be posted on the right-hand side of the driving lane at intervals not to exceed two (2) blocks. The emergency routes are as follows:

> All portions of Pratt and Bryant Streets, all portions of Mills Street, all portions of Railroad Street, all portions of Van Horn Street, and Main Street extending North from Kansas Highway 383.

Section 8. EFFECTIVE DATE. This ordinance shall take effect and be in full force upon its adoption and publication in the official City newspaper.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, this 1st day of March, 2004.

CITY OF ALMENA, KANSAS

(Seal)

Gerald D Wilson

Gerald Wilson, Mayor

ATTEST:

Twila Ingram City Clerk

Twila Ingram, City Clerk

ORDINANCE NO. 403

AN ORDINANCE REGULATING THE USE OF SOUND AMPLIFICATION SYSTEMS IN MOTOR VEHICLES WITHIN THE CITY OF ALMENA, KANSAS

WHEREAS, the governing body of the City of Almena, Kansas, finds that the use of loud sound amplification systems in motor vehicles within the City constitutes a general nuisance to the public and should be prohibited;

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

Section 1. Article 2 of Chapter XI of the Code of the City of Almena, Kansas, is hereby amended by adding the following section:

"11-201 LOUD AMPLIFICATION SYSTEMS PROHIBITED:

a. No person operating or occupying a motor vehicles on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle;

b. **Sound Amplification System** means: any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound;

c. **Plainly Audible** means: any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of 50 feet or more. Measurement standards shall be by auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway."

d. It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating a sound amplification system, and that any of the following apply:

1. The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

2. The vehicle was an emergency or public safety vehicle;

3. The vehicle was owned and operated by the City of Almena, Kansas, or a gas, electric, communications or refuse company;

4. The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in compliance with ordinances of the City of Almena, Kansas;

5. The vehicle was used in an authorized public activity, such as a parade, fireworks display, sporting event, musical production or other activity, which has the approval of the department of the City authorized to grant such approval.

e. Violations of this section shall be punishable as provided by Section 1-116 of the Almena City Code.

Section 2. This ordinance shall be published in the official City newspaper and shall take effect upon publication.

PASSED AND ADOPTED this 3rd day of March, 2006.

CITY OF ALMENA, KANSAS

(Seal)

Gerald D Wilson

Gerald Wilson, Mayor

ATTEST:

Twila Ingram City Clerk

Twila Ingram, City Clerk

Almena City Ordinance Regulating Sound Systems

Published in The Norton Telegram on Friday, April 7 and 14. (2T)

ORDINANCE NO. 403

AN ORDINANCE REGULATING THE USE OF SOUND AMPLIFICATION SYSTEMS IN MOTOR VEHICLES WITHIN THE CITY OF ALMENA, KANSAS

WHEREAS, the governing body of the City of Almena, Kansas, finds that the use of loud sound amplification systems in motor vehicles within the City constitutes a general nuisance to the public and should be prohibited;

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

Section One. Article 2 of Chapter XI of the Code of the City of Almena, Kansas, is hereby amended by adding the following section:

"11-201 LOUD AMPLIFICATION SYSTEMS PROHIBITED:

a. No person operating or occupying a motor vehicles on a street, highway, alley, parking lot or driveway shall operate or permit the operation of any sound amplification system from within the vehicle so that the sound is plainly audible at a distance of 50 or more feet from the vehicle;

b. Sound Amplification System means: any radio, tape player, compact disc player, loud speaker or other electronic device used for the amplification of sound;

c. **Plainly audible** means: any sound produced by a sound amplification system from within the vehicle, which clearly can be heard at a distance of 50 feet or more. Measurement standards shall be by auditory senses, based upon direct line of sight. Words or phrases need not be discernible and bass reverberations are included. The motor vehicle may be stopped, standing, parked or moving on a street, highway, alley, parking lot or driveway."

d. It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating a sound amplification system, and that any of the following apply:

1. The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

2. The vehicle was an emergency or public safety vehicle;

3. The vehicle was owned and operated by the City of Almena, Kansas, or a gas, electric, communications or refuse company;

4. The system was used for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in compliance with ordinances of the City of Almena, Kansas;

5. The vehicle was used in an authorized public activity, such as a parade, fireworks display, sporting event, musical production or other activity, which has the approval of the department of the City authorized to grant such approval.

e. Violations of this section shall be punishable as provided by Section 1-116 of the Almena City Code.

Section 2. This ordinance shall be published in the official City newspaper and shall take effect upon publication.

PASSED AND ADOPTED this 3rd day of April, 2006.

CITY OF ALMENA, KANSAS
Gerald Wilson, Mayor

(SEAL)
ATTEST:
Twila Ingram, City Clerk

CHARTER ORDINANCE NO. 404

Copy

A CHARTER ORDINANCE EXEMPTING THE CITY OF ALMENA, KANSAS, FROM THE PROVISIONS OF K.S.A. 15-209, PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS ON THE SAME SUBJECT AND REMOVING LIMITATIONS ON RESIDENCY REQUIREMENTS FOR THE APPOINTED OFFICERS AND EMPLOYEES OF THE CITY.

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

Section One. The City of Almena, Kansas, by the power vested in it by Article 12, Section 5 of the Constitution of the State of Kansas, hereby elects to and does exempt itself and make inapplicable to it the provisions of K.S.A. 15-209, which applies to this City, but is part of an enactment which does not apply uniformly to all cities, in so far as said statute requires that the appointed officers must meet residency requirements.

Section 2. The governing body of the City of Almena, Kansas, shall be qualified electors of said City.

Section 3. City officers and employees appointed pursuant to K.S.A. 15-204 need not be qualified electors of said City, but must be qualified electors of Norton County, Kansas.

Section 4. This Charter Ordinance shall be published once each week for two (2) consecutive weeks in the official City newspaper.

Section 5. This Charter Ordinance shall take effect 61 days after the final publication in the official City newspaper, unless a sufficient petition for a referendum is filed, requiring a referendum to be held on the ordinance as provided by Article 12, Section 5, subsection (c)(3) of the Constitution of the State of Kansas, in which case this Charter Ordinance shall become effective upon approval by the majority of the electors voting thereon.

PASSED by the governing body of the City of Almena, Kansas, not less than two-thirds (2/3) of the members elect voting in favor thereof, this 3rd day of March, 2006.

(SEAL)

Gerald D Wilson

Gerald Wilson, Mayor

ATTEST:

Twila Ingram, City Clerk

Twila Ingram, City Clerk

ORDINANCE NO. 465

AN ORDINANCE AMENDING THE AMOUNT OF COURT COSTS ASSESSED BY THE MUNICIPAL COURT OF THE CITY OF ALMENA, KANSAS

WHEREAS, House Bill #2122 approved by the 2006 Kansas Legislature requires that in each case filed in Municipal Court charging a crime other than a non-moving traffic violation an additional sum of $19.00 be assessed.

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

Section One: That Section 9-112 of the Code of the City of Almena, Kansas, concerning court costs in Municipal Court is amended by replacing the existing section in its entirety with the following provision:

> "9-112. COURT COSTS. In all cases wherein there is a finding of guilty, plea of guilty, plea of no contest, forfeiture of bond or a diversion before the Municipal Court of the City, an assessment of $ 40.00 shall be imposed and collected for the cost of the administration of justice."

Section Two: This ordinance shall take effect and be in full force from and after its passage and publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Almena, Kansas, this 11th day of September, 2006.

Gerald Wilson
Mayor

ATTEST:

Twila Ingram
Almena City Clerk

Proof of Publication

State of Kansas
NORTON COUNTY

Sherry Hickman of lawful age, being duly sworn upon oath, states that he/she is the designated representative of the Norton Telegram.

THAT said newspaper has been published at least one hundred (100) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication:

THAT said paper has a general paid circulation in NORTON County, Kansas, and is NOT a trade, religious or fraternal publication and has been published in NORTON County, Kansas.

THE ATTACHED was published on the following dates in a regular issue of the said newspaper:

1st
publication was made on the 15 day of September, 2006
2nd
publication was made on the _____ day of _____, 2006
3rd
publication was made on the _____ day of _____, 2006
4th
publication was made on the _____ day of _____, 2006
5th
publication was made on the _____ day of _____, 2006

6 " Publication fee $ 31.56
Affidavit, Notary's fees $ _____
Additional copies $ _____

TOTAL publication fees $ 31.56

(Sign) Sherry Hickman

Witness my hand this 20th day of September, 2006

SUBSCRIBED and Sworn to before me this 20th day of September, 2006. State of Kansas, County of Norton.

Cecilia Rae Hillebrand

CECILIA RAE HILLEBRAND
Notary Public, State of Kansas
My Appt. Expires
10-17-07

...The Norton Telegram on ...ember 15, 2006. (1T)

ORDINANCE NO. 405

AN ORDINANCE AMENDING THE AMOUNT OF COURT COSTS ASSESSED BY THE MUNICIPAL COURT OF THE CITY OF ALMENA, KANSAS

WHEREAS, House Bill #2122 approved by the 2006 Kansas Legislature requires that in each case filed in Municipal Court charging a crime other than a non-moving traffic violation an additional sum of $19.00 be assessed.

BE IT ORDAINED BY THE Ggoverning body OF THE CITY OF ALMENA, KANSAS:

Section One: That Section 9-112 of the Code of the City of Almena, Kansas, concerning court costs in Municipal Court is amended by replacing the existing section in its entirety with the following provision:

"9-112. COURT COSTS. In all cases wherein there is a finding of guilty, plea of guilty, plea of no contest, forfeiture of bond or a diversion before the Municipal Court of the City, an assessment of $40.00 shall be imposed and collected for the cost of the administration of justice."

Section Two: This ordinance shall take effect and be in full force from and after its passage and publication in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Almena, Kansas, this 11th day of September, 2006.

Gerald Wilson
Mayor

ATTEST:
Twila Ingram
Almena City Clerk

IK 19455
9-21-06

ORDINANCE NO. 411

AN ORDINANCE AMENDING THE PROCEDURE TO ABATE WEED NUISANCES WITHIN THE CITY OF ALMENA, KANSAS, AND ASSESSMENT OF COSTS FOR THE REMOVAL THEREOF

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

SECTION ONE. Section 8-403 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"PUBLIC OFFICER; NOTICE TO REMOVE. The governing body shall designate a public officer to be charged with the administration and enforcement of this article. The public officer or an authorized assistant shall notify the owner or his or her agent in charge of any premises within the City upon which weeds exist in violation of this article, by certified mail, return receipt requested, or by personal service. If the property is unoccupied, and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner. Such notice shall include the following:

(a) That the owner or his or her agent in charge of the property is in violation of the City week control law.
(b) That the owner or his or her agent in charge of the property is ordered to cut the weeds within 10 days of the receipt of the notice.
(c) That the owner or his or her agent in charge of the property may, within the 10-day period, request a hearing before the governing body or its designated representative.
(d) That if the owner or his or her agent in charge of the property does not cut the weeds, then the City or its authorized agent will cut the weeds and assess the costs of cutting, including a reasonable administrative fee, against the owner or his or her agent in charge of the property.
(e) That the owner or his or her agent in charge of the property will be given an opportunity to pay the assessment; and, if it is not paid, then it will be added to the property tax as a special assessment and/or collected as a personal debt in the manner provided by K.S.A. 12-1,115 and amendments thereto.
(f) That the public office shall be contacted if there are any questions regarding the order.

If the owner or his or her agent in charge of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding 24-month period, then the notice may be served by the following methods: door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication, first-class mail or certified mail, return receipt requested. If the property is unoccupied and the owner is a nonresident, then notice shall be given by telephone communication or first class mail."

SECTION TWO. Section 8-404 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"ABATEMENT; ASSESSMENT OF COSTS.

(a) Upon the expiration of 10 days after receipt or other service of the notice provided in Section 8-403, and in the event that the owner or his or her agent in charge of the property shall neglect or fail to comply with the requirements of Section 8-401, then the public officer or an authorized assistant shall cause to be cut, destroyed and/or removed all such weeds and abate the nuisance created thereby.

(b) If the City abates or removes the nuisance, the City shall give notice to the owner or agent by certified mail, return receipt requested, of the total cost of such abatement or removal incurred by the City. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice.

(c) If the cost of such removal or abatement and notice is not paid within the 30-day period, then the cost shall be collected as a personal debt in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed and charged against the lot or parcel of ground on which the nuisance was located. If the cost is to be assessed, the City Clerk, at the time of certifying other City taxes to the County Clerk, shall certify such costs for collection by the County Treasurer. The City may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115 and amendments thereto.

SECTION THREE. This ordinance shall be published in the official City newspaper and shall take effect upon publication.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, on this 1st day of October, 2007.

CITY OF ALMENA, KANSAS

(Seal)

Gerald D. Wilson

Gerald Wilson, Mayor

ATTEST:

Twila Ingram, City Clerk

Twila Ingram, City Clerk

Proof of Publication

State of Kansas
NORTON COUNTY

Sherry Hickman of lawful age, being duly sworn upon oath, states that he/she is the designated representative of the Norton Telegram.

THAT said newspaper has been published at least one hundred (100) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication:

THAT said paper has a general paid circulation in NORTON County, Kansas, and is NOT a trade, religious or fraternal publication and has been published in NORTON County, Kansas.

THE ATTACHED was published on the following dates in a regular issue of the said newspaper:

1st publication was made on the 9 day of October, 2007
2nd publication was made on the ____ day of ____, 2007
3rd publication was made on the ____ day of ____, 2007
4th publication was made on the ____ day of ____, 2007
5th publication was made on the ____ day of ____, 2007

18" Publication fee $ 94.68
Affidavit, Notary's fees $ ____
Additional copies $ ____

TOTAL publication fees $ 94.68

(Sign) Sherry Hickman

Witness my hand this 16 day of Oct, 2007

SUBSCRIBED and Sworn to before me this 16 day of Oct, 2007. State of Kansas, County of Norton.

Karen Glenn, Deputy

Published in The Norton Telegram on Tuesday, October 9, 2007 (1T)

ORDINANCE NO. 411

AN ORDINANCE AMENDING THE PROCEDURE TO ABATE WEED NUISANCES WITHIN THE CITY OF ALMENA, KANSAS, AND ASSESSMENT OF COSTS FOR THE REMOVAL THEREOF

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

SECTION ONE.

Section 8-403 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"**PUBLIC OFFICER; NOTICE TO REMOVE.** The governing body shall designate a public officer to be charged with the administration and enforcement of this article. The public officer or an authorized assistant shall notify the owner or his or her agent in charge of any premises within the City upon which weeds exist in violation of this article, by certified mail, return receipt requested, or by personal service. If the property is unoccupied, and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner. Such notice shall include the following:

(a) That the owner or his or her agent in charge of the property is in violation of the City weed control law.

(b) That the owner or his or her agent in charge of the property is ordered to cut the weeds within 10 days of the receipt of the notice.

(c) That the owner or his or her agent in charge of the property may, within the 10-day period, request a hearing before the governing body or its designated representative.

(d) That if the owner or his or her agent in charge of the property does not cut the weeds, then the City or its authorized agent will cut the weeds and assess the costs of cutting, including a reasonable administrative fee, against the owner or his or her agent in charge of the property.

(e) That the owner or his or her agent in charge of the property will be given an opportunity to pay the assessment, and, if it is not paid, then it will be added to the property tax as a special assessment and/or collected as a personal debt in the manner provided by K.S.A. 12-1, 115 and amendments thereto.

(f) That the public office shall be contacted if there are any questions regarding the order.

If the owner or his or her agent in charge of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding 24-month period, then the notice may be served by the following methods: door hangers, conspicuous posting notice of such order on the property, personal notification, telephone communication, first-class mail or certified mail, return receipt requested. If the property is unoccupied and the owner is a nonresident, then the notice shall be given by telephone communication or first class mail."

SECTION TWO.

Section 8-404 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"**ABATEMENT; ASSESSMENT OF COSTS.**

(a) Upon the expiration of 10 days after receipt or other service of the notice provided in Section 8-403, and in the event that the owner or his or her agent in charge of the property shall neglect or fail to comply with the requirements of Section 8-401, then the public officer or an authorized assistant shall cause to be cut, destroyed and/or removed all such weeds and abate the nuisance created thereby.

(b) If the City abates or removes the nuisance, the City shall give notice to the owner or agent by certified mail, return receipt requested, of the total cost of such abatement or removal incurred by the City. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice.

a special assessment and in the manner provided by K.S.A. 12-1, 115 and amendments thereto.

SECTION THREE.

This ordinance shall be published in the official City newspaper and shall take effect upon publication.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, on this 1st day of October, 2007.

CITY OF ALMENA, KANSAS

(SEAL)

Gerald Wilson, Mayor

ATTEST:

Twila Ingram, City Clerk

Amended 8-4-08 to #416

ORDINANCE NO. 412

AN ORDINANCE AUTHORIZING THE OPERATION OF ALL-TERRAIN VEHICLES ON THE STREETS OF THE CITY OF ALMENA, KANSAS, AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF

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

SECTION ONE. OPERATION OF ALL-TERRAIN VEHICLES.

(a) All-terrain vehicles (ATV) may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City by a driver of at least 18 years of age.

(b) "All-terrain vehicle" (ATV) means any motorized non-highway vehicle 48" or less in width, having a dry weight of 1,000 pounds or less, traveling on three (3) or more low-pressure tires, and having a seat being straddled by the operator. As used in this subsection, "low-pressure tire" means any pneumatic tire six inches (6") or more in width, designed for use on wheels with rim diameter of 12" or less, and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

(c) No ATV shall be operated on any public highway, street, road or alley between sunset and sunrise, unless equipped with lights as required for motorcycles.

(d) No ATV shall be operated on any public highway, street, road or alley unless such vehicle shall comply with the equipment requirements under the provisions of Article 17, Chapter 8, of the Kansas Statutes Annotated.

(e) Every person operating an ATV on the streets, roads and alleys of the City shall be subject to all the duties applicable to a driver of a vehicle imposed by law.

(f) A person operating an ATV shall ride only on the permanent and regular seat attached thereto, and such operator shall not carry any other person, nor shall any other person ride on ATV, unless such ATV is designed to carry more than one (1) person, in which event, a passenger may ride upon the permanent and regular seat, if designed for two (2) persons, or upon another seat firmly attached to the ATV at the rear or side of the operator.

(g) A person shall ride upon an ATV only while sitting astride the seat, facing forward, and with one (1) leg on each side of the ATV.

(h) No person shall operate an ATV while carrying any package, bundle or other article which prevents such person from keeping both hands on the handlebars.

(i) No operator shall carry any person, nor shall any person ride in a position that will interfere with the operation or control of the ATV or the view of the operator.

(j) No person riding upon an ATV shall attach himself or herself or the ATV to any other vehicle on the roadway.

SECTION TWO; SAME; PENALTIES. The violation of any provision of Section One shall be deemed an ordinance traffic infraction. Upon an entry of the plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201 of the Standard Traffic Ordinance, 2007 Edition, as amended, or such other similar provision as the City may then have in effect.

SECTION THREE; SAME; VALID DRIVER'S LICENSE REQUIRED; AGE OF OPERATOR; PENALTY. No person shall operate an ATV on any public highway, street, road or alley within the corporate limits of the City, unless such person has a valid driver's license, and is at least 18 years of age. Violation of this section is punishable by a fine of not more than $1,000 or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

SECTION FOUR. PUBLICATION; EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, on this 1st day of October, 2007.

CITY OF ALMENA, KANSAS

(Seal)

Gerald Wilson

Gerald Wilson, Mayor

ATTEST:

Twila Ingram City Clerk

Twila Ingram, City Clerk

Proof of Publication

State of Kansas
NORTON COUNTY

Sherry Hickman of lawful age, being duly sworn upon oath, states that he/she is the designated representative of the Norton Telegram.

THAT said newspaper has been published at least one hundred (100) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication:

THAT said paper has a general paid circulation in NORTON County, Kansas, and is NOT a trade, religious or fraternal publication and has been published in NORTON County, Kansas.

THE ATTACHED was published on the following dates in a regular issue of the said newspaper:

1st publication was made on the 9 day of October, 2007
2nd publication was made on the ____ day of ____, 2007
3rd publication was made on the ____ day of ____, 2007
4th publication was made on the ____ day of ____, 2007
5th publication was made on the ____ day of ____, 2007

16" Publication fee $ 84.16
Affidavit, Notary's fees $ ____
Additional copies $ ____
TOTAL publication fees $ 84.16

(Sign) Sherry Hickman

Witness my hand this 11th day of Oct, 2007

SUBSCRIBED and Sworn to before me this 11th day of Oct, 2007. State of Kansas, County of Norton.

Karen Glenn, Deputy

Published in The Norton Telegram on Tuesday, October 9, 2007 (1T)

ORDINANCE NO. 412

AN ORDINANCE AUTHORIZING THE OPERATION OF ALL-TERRAIN VEHICLES ON THE STREETS OF THE CITY OF ALMENA, KANSAS, AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF

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

SECTION ONE. OPERATION OF ALL-TERRAIN VEHICLES.

(a) All-terrain vehicles (ATV) may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City by a driver of at least 18 years of age.

(b) "All-terrain vehicle" (ATV) means any motorized non-highway vehicle 48" or less in width, having a dry weight of 1,000 pounds or less, traveling on three (3) or more low-pressure tires, and having a seat being straddled by the operator. As used in this subsection, "low-pressure tire" means any pneumatic tire six inches (6") or more in width, designed for use on wheels with rim diameter of 12" or less, and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

(c) No ATV shall be operated on any public highway, street, road or alley between sunset and sunrise, unless equipped with lights as required for motorcycles.

(d) No ATV shall be operated on any public highway, street, road or alley unless such vehicle shall comply with the equipment requirements under the provisions of Article 17, Chapter 8, of the Kansas Statutes Annotated.

(e) Every person operating an ATV on the streets, roads and alleys of the City shall be subject to all the duties applicable to a driver of a vehicle imposed by law.

(f) A person operating an ATV shall ride only on the permanent and regular seat attached thereto, and such operator shall not carry any other person, nor shall any other person ride on ATV, unless such ATV is designed to carry more than one (1) person, in which event, a passenger may ride upon the permanent and regular seat, if designed for two (2) persons, or upon another seat firmly attached to the ATV at the rear or side of the operator.

(g) A person shall ride upon an ATV only while sitting astride the seat, facing forward, and with one (1) leg on each side of the ATV.

(h) No person shall operate an ATV while carrying any package bundle or other article which prevents such person from keeping both hands on the handlebars.

(i) No operator shall carry any person, nor shall any person ride in a position that will interfere with the operation or control of the ATV or the view of the operator.

(j) No person riding upon an ATV shall attach himself or herself or the ATV to any other vehicle on the roadway.

SECTION TWO; SAME; PENALTIES.

The violation of any provision of Section One shall be deemed an ordinance traffic infraction. Upon any entry of the plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be inaccordance with Section 201 of the Standard Traffic Ordinance, 2007 Edition, as amended, or such other similar provision as the City may then have in effect.

SECTION THREE; SAME; VALID DRIVER'S LICENSE REQUIRED; AGE OR OPERATOR; PENALTY.

No person shall operate an ATV on any public highway, street, road or alley within the corporate limits of the City, unless such person has a valid driver's license, and is at least 18 years of age. Violation of this section is punishable by a fine of not more than $1,000 or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

SECTION FOUR. PUBLICATION; EFFECTIVE DATE.

This ordinance shall take effect and be in force from and after its publication in the Official City newspaper.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, on this 1st day of October, 2007.

CITY OF ALMENA, KANSAS

(SEAL)

Gerald Wilson, Mayor

ATTEST:

Twila Ingram, City Cle

ORDINANCE NO. 413

AN ORDINANCE DIRECTING THE REMOVAL OF VEHICLES FROM CERTAIN STREETS IN ALMENA, KANSAS, DURING EMERGENCIES AND SNOW EVENTS, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, it is in the best interests of the citizens of the City of Almena, Kansas, to provide access to all areas of the City by emergency vehicles during disasters and heavy snow conditions.

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

Section 1. DEFINITIONS. The words and phrases used in this ordinance shall have the following meanings:

A. Emergency Routes. Routes herein specified in this ordinance to provide access to major portions of the City, the business district and emergency facilities, such as the fire department and ambulance barn.

B. Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway or street.

C. Emergency Condition. Any natural or civil disaster or heavy snowfall necessitating the removal or mitigation of any impediments or hazards to vehicular traffic upon streets of the City.

Section 2. IMPLEMENTATION OF EMERGENCY ROUTE ORDINANCE. The Mayor shall publicly announce, through all news media available at the time, when an emergency condition exists, that the "Emergency Route Ordinance" is in effect, on streets marked by "Emergency Route" or "Snow Route" signs.

Section 3. VEHICLES ON STREET. Any person who parks a car or other vehicle or trailer on any emergency route is bound by the Emergency Parking Prohibition, which may be ordered by the Mayor and is expected to learn when such emergency parking restrictions are in effect. The City shall make reasonable effort to inform the public of the emergency measures; however, it is the responsibility of anyone leaving a car on the streets to keep aware of whether the Emergency Route Ordinance is in effect.

Section 4. VEHICLES IN VIOLATION. Any vehicle owner or operator who permits the vehicle, or trailer, to remain in a restricted parking area, or who in any manner interferes with snow removal from the streets shall be in violation of this article, the penalty upon conviction thereof to be not less than $25.00, nor more than $100.00. The penalty provided for violation of parking prohibition by a vehicle rests with the registered owner thereof. The fact that the vehicle was not last parked or driven by the owner thereof, or that the driver or owner was not aware of the emergency traffic provisions in effect, shall not be a defense to a charge of violating this ordinance.

Section 5. DUMPING SNOW IN STREET. Following a snow clearance, it shall be a violation of this ordinance for any person, corporation or firm to pile or dump snow on any cleared street from a private driveway or sidewalk so as to constitute an impediment or hazard to normal traffic on the street. The penalty for violation of this section shall be the same as provided for in Section 4.

Section 6. DUTY TO REMOVE SNOW. Following the snow clearance, it shall be the responsibility of property owners or occupants to remove any blockages of snow from driveways, sidewalks and vehicles in conformity with Section 5.

Section 7. EMERGENCY ROUTES DESIGNATED. Upon announcement by the Mayor that the "Emergency Route Ordinance" is in effect, the streets listed in this section shall be designated and signed "Emergency Route" or "Snow Route" and there shall be no parking thereon, and violating vehicles and trailers shall have violation notices placed thereon. "Emergency Route" or "Snow Route" signs shall be posted on the right-hand side of the driving lane at intervals not to exceed two (2) blocks. The emergency routes are as follows:

All portions of Pratt and Bryant Streets, all portions of Mills Street, all portions of Railroad Street, all portions of Van Horn Street, and Main Street extending North from Kansas Highway 383. -All portions of Benton Street.

Section 8. REPEAL OF EXISTING ORDINANCE. The prior ordinance on this subject entitled "An Ordinance Directing the Removal of Vehicles from Certain Streets in Almena, Kansas, during Emergencies, and Providing Penalties for the Violation Thereof" passed by the governing body on March 1, 2004, and inadvertently misnumbered Ordinance 402, is hereby repealed.

Section 9. EFFECTIVE DATE. This ordinance shall take effect and be in full force upon its adoption and publication in the official City newspaper.

11th **PASSED AND APPROVED** by the governing body of the City of Almena, Kansas, this day of February, 2008.

CITY OF ALMENA, KANSAS

(Seal)

Gerald Wilson

Gerald Wilson, Mayor

ATTEST:

Twila Ingram City Clerk

Twila Ingram, City Clerk

ORDINANCE NO. 416

AN ORDINANCE AUTHORIZING THE OPERATION OF ALL-TERRAIN VEHICLES AND WORK-SITE UTILITY VEHICLES ON THE STREETS OF THE CITY OF ALMENA, KANSAS, AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF

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

SECTION ONE. OPERATION OF ALL-TERRAIN VEHICLES.

(a) All-terrain vehicles (ATV) may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City by a driver of at least 18 years of age.

(b) "All-terrain vehicle" (ATV) means any motorized non-highway vehicle 48" or less in width, having a dry weight of 1,000 pounds or less, traveling on three (3) or more low-pressure tires, and having a seat being straddled by the operator. As used in this subsection, "low-pressure tire" means any pneumatic tire six inches (6") or more in width, designed for use on wheels with rim diameter of 12" or less, and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.

(c) No ATV shall be operated on any public highway, street, road or alley between sunset and sunrise, unless equipped with lights as required for motorcycles.

(d) No ATV shall be operated on any public highway, street, road or alley unless such vehicle shall comply with the equipment requirements under the provisions of Article 17, Chapter 8, of the Kansas Statutes Annotated.

(e) Every person operating an ATV on the streets, roads and alleys of the City shall be subject to all the duties applicable to a driver of a vehicle imposed by law.

(f) A person operating an ATV shall ride only on the permanent and regular seat attached thereto, and such operator shall not carry any other person, nor shall any other person ride on ATV, unless such ATV is designed to carry more than one (1) person, in which event, a passenger may ride upon the permanent and regular seat, if designed for two (2) persons, or upon another seat firmly attached to the ATV at the rear or side of the operator.

(g) A person shall ride upon an ATV only while sitting astride the seat, facing forward, and with one (1) leg on each side of the ATV.

(h) No person shall operate an ATV while carrying any package, bundle or other article which prevents such person from keeping both hands on the handlebars.

(i) No operator shall carry any person, nor shall any person ride in a position that will interfere with the operation or control of the ATV or the view of the operator.

(j) No person riding upon an ATV shall attach himself or herself or the ATV to any other vehicle on the roadway.

SECTION TWO; OPERATION OF WORK-SITE UTILITY VEHICLES.

(a) Work-site utility vehicles may be operated upon the public highways, streets, road and alleys within the corporate limits of the City.

(b) "Work-site Utility Vehicle" means any motor vehicle that is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four (4) or more low pressure tires, a steering wheel and bench or bucket type seating allowing at least two (2) people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials.

(c) No work-site utility vehicle shall be operated on any public highway, street, road or alley unless such vehicle shall comply with the equipment requirements under the provisions of Article 17, Chapter 8 of the Kansas Statutes Annotated.

(d) Every person operating a work-site utility vehicle on the public highways, streets, roads and alleys of the City shall be subject to all of the duties applicable to a driver of a vehicle imposed by law.

SECTION THREE; SAME; PENALTIES. The violation of any provision of Section One or Section Two shall be deemed an ordinance traffic infraction. Upon an entry of the plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201 of the Standard Traffic Ordinance, 2007 Edition, as amended, or such other similar provision as the City may then have in effect.

SECTION FOUR; SAME; VALID DRIVER'S LICENSE REQUIRED; AGE OF OPERATOR; PENALTY. No person shall operate an ATV or work-site utility vehicle on any public highway, street, road or alley within the corporate limits of the City, unless such person has a valid driver's license, and is at least 18 years of age. Violation of this section is punishable by a fine of not more than $1,000 or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

SECTION FIVE. REPEAL OF PRIOR ORDINANCE. Ordinance No. 412 of the City of Almena is hereby repealed.

SECTION SIX. PUBLICATION; EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, on this 4th day of August, 2008.

CITY OF ALMENA, KANSAS

(Seal)

ATTEST:

Gerald D Wilson

Gerald Wilson, Mayor

Twila Ingram

Twila Ingram, City Clerk

ORDINANCE NO. 417

AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS ON THE STREETS OF THE CITY OF ALMENA, KANSAS, AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF

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

SECTION ONE. OPERATION OF GOLF CARTS.

(a) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City by a driver of at least 18 years of age.
(b) "Golf cart" means a motor vehicle that has not less than three (3) wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four (4) persons including the driver.
(c) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise, unless equipped with lights as required for motorcycles.
(d) Every person operating a golf cart on the streets, roads and alleys of the City shall be subject to all the duties applicable to a driver of a vehicle imposed by law.
(e) A person operating a golf cart shall ride only on the permanent and regular seat attached thereto, and such operator shall not carry any other person, nor shall any other person ride on golf cart, unless such golf cart is designed to carry more than one (1) person, in which event, a passenger may ride upon the permanent and regular seat, if designed for two (2) persons, or upon another seat firmly attached to the golf cart at the rear or side of the operator.
(f) No person shall operate a golf cart at a speed greater than the posted limit, or 25 miles per hour, whichever is less.
(g) No operator shall carry any person, nor shall any person ride in a position that will interfere with the operation or control of the golf cart or the view of the operator.
(h) No person riding upon a golf cart shall attach himself or herself or the golf cart to any other vehicle on the roadway.

SECTION TWO; SAME; PENALTIES. The violation of any provision of Section One shall be deemed an ordinance traffic infraction. Upon an entry of the plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201 of the Standard Traffic Ordinance, 2007 Edition, as amended, or such other similar provision as the City may then have in effect.

SECTION THREE; SAME; VALID DRIVER'S LICENSE REQUIRED; AGE OF OPERATOR; PENALTY. No person shall operate a golf cart on any public highway, street, road or alley within the corporate limits of the City, unless such person has a valid driver's license, and is at least 18 years of age. Violation of this section is punishable by a fine of not more than $1,000 or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

SECTION FOUR. PUBLICATION; EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, on this 3rd day of August, 2009.

CITY OF ALMENA, KANSAS

(Seal)

Gerald Wilson, Mayor

ATTEST:

Twila Ingram, City Clerk

•PUBLIC NOTICE•

ORDINANCE NO. 417
AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS ON THE STREETS OF THE CITY OF ALMENA, KANSAS, AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF

Published in The Norton Telegram on Friday, August 7, 2009.

(1T)

ORDINANCE NO. 417
AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS ON THE STREETS OF THE CITY OF ALMENA, KANSAS, AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF

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

SECTION ONE. OPERATION OF GOLF CARTS.

(a) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City by a driver of at least 18 years of age.

(b) "Golf cart" means a motor vehicle that has not less than three (3) wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four (4) person including the driver.

(c) No golf cart shall be operated on any public highway, street, road or alley between sunset and sunrise, unless equipped with lights as required for motorcycles.

(d) Every person operating a golf cart on the streets, roads and alleys of the City shall be subject to all the duties applicable to a driver of a vehicle imposed by law.

(e) A person operating a golf cart shall ride only on the permanent and regular seat attached thereto, and such operator shall not carry any other person, nor shall any other person ride on golf cart, unless such golf cart is designed to carry more than one (1) person, in which event, a passenger may ride upon the permanent and regular seat, if designed for two (2) persons, or upon another seat firmly attached to the golf cart at the rear or side of the operator.

(f) No person shall operate a golf cart at a speed greater than the posted limit or 25 miles per hour, whichever is less.

(g) No operator shall carry any person, nor shall any person ride in a position that will interfere with the operation or control of the golf cart or the view of the operator.

(h) No person riding upon a golf cart shall attach himself or herself or the golf cart to any other vehicle on the roadway.

SECTION TWO. SAME; PENALTIES. The violation of any provision of Section One shall be deemed an ordinance traffic infraction. Upon an entry of the plea of guilty or no contest or upon being convicted of such violation, the penalty imposed shall be in accordance with Section 201 of the Standard Traffic Ordinance, 2007 Edition, as amended, or such other similar provision as the City may then have in effect.

SECTION THREE. SAME; VALID DRIVER'S LICENSE REQUIRED; AGE OF OPERATOR; PENALTY. No person shall operate a golf cart on any public highway, street, road or alley within the corporate limits of the City, unless such person has a valid driver's license, and is at least 18 years of age. Violation of this section is punishable by a fine of not more than $1,000 or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

SECTION FOUR. PUBLICATION; EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, on this 3rd day of August, 2009.

CITY OF ALMENA, KANSAS
/s/ Gerald Wilson, Mayor

ATTEST:
/s/ Twila Ingram, Almena City Clerk

ORDINANCE NO. 418

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF ALMENA, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF 2009, PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 409

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

SECTION ONE. INCORPORATING STANDARD TRAFFIC ORDINANCE.

There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Almena, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2009, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than two (2) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 418," and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City, such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

SECTION TWO. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

a.) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118.

b.) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

SECTION THREE: PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the Municipal Judge establishes a fine in a fine schedule shall not be less than $1, nor more than $500, except for speeding, which shall not be less than $20, nor more than $500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the Court not to exceed $500.

SECTION FOUR. REPEAL. Ordinance number 409 is repealed.

SECTION FIVE. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, on this 14th day of September, 2009.

SIGNED BY THE MAYOR of Almena, Kansas, this 14th day of September, 2009.

CITY OF ALMENA, KANSAS

(Seal)

Gerald D Wilson
Gerald Wilson, Mayor

ATTEST:

Twila Ingram City Clerk
Twila Ingram, City Clerk

•PUBLIC NOTICE•

ORDINANCE NO. 418

Published in The Norton Telegram Tuesday, September 22, 2009

(1T)

ORDINANCE NO. 418

AN ORDINANCE REGULATING TRAFFIC WITHIN THE CORPORATE LIMITS OF THE CITY OF ALMENA, KANSAS; INCORPORATING BY REFERENCE THE "STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES," EDITION OF 2009, PROVIDING CERTAIN PENALTIES AND REPEALING ORDINANCE NO. 409

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

SECTION ONE. INCORPORATING STANDARD TRAFFIC ORDINANCE. There is hereby incorporated by reference for the purpose of regulating traffic within the corporate limits of the City of Almena, Kansas, that certain standard traffic ordinance known as the "Standard Traffic Ordinance for Kansas Cities," Edition of 2009, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than two (2) copies of said Standard Traffic Ordinance shall be marked or stamped "Official Copy as Adopted by Ordinance No. 418," and to which shall be attached a copy of this ordinance, and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours. The Police Department, Municipal Judge and all administrative departments of the City charged with enforcement of the ordinance shall be supplied, at the cost of the City such number of official copies of such Standard Traffic Ordinance similarly marked, as may be deemed expedient.

SECTION TWO. TRAFFIC INFRACTIONS AND TRAFFIC OFFENSES.

a.) An ordinance traffic infraction is a violation of any section of this ordinance that prescribes or requires the same behavior as that prescribed or required by a statutory provision that is classified as a traffic infraction in K.S.A. 8-2118.

b.) All traffic violations which are included within this ordinance, and which are not ordinance traffic infractions, as defined in subsection (a) of this section, shall be considered traffic offenses.

SECTION THREE: PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the Municipal Judge establishes a fine in a fine schedule shall not be less than $1, nor more than $500, except for speeding, which shall not be less than $20, nor more than $500. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the Court not to exceed $500.

SECTION FOUR. REPEAL. Ordinance number 409 is repealed.

SECTION FIVE. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, on this 14th day of September, 2009.

SIGNED BY THE MAYOR of Almena, Kansas, this 14th day of September, 2009.

CITY OF ALMENA, KANSAS
Gerald Wilson, Mayor

ATTEST:
Twila Ingram, City Clerk

ORDINANCE NO. 419

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF ALMENA, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 2009

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

SECTION ONE. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Almena, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2009, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than two (2) copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 419," 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 TWO. AMENDMENT. Section 11-101 of the Almena City Code is hereby amended and replaced by Section One of this ordinance.

SECTION THREE. EFFECTIVE DATE. 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 Almena, Kansas, this 14th day of September, 2009.

SIGNED BY THE MAYOR of Almena, Kansas, this 14th day of September, 2009.

(SEAL)

Gerald Wilson

Gerald Wilson, Mayor

ATTEST:

Twila Ingram City Clerk

Twila Ingram, City Clerk

•PUBLIC NOTICE•

ORDINANCE NO. 419

Published in The Norton Telegram Tuesday, September 22, 2009

(1T)

ORDINANCE NO. 419

AN ORDINANCE REGULATING PUBLIC OFFENSES WITHIN THE CORPORATE LIMITS OF THE CITY OF ALMENA, KANSAS; INCORPORATING BY REFERENCE THE "UNIFORM PUBLIC OFFENSE CODE FOR KANSAS CITIES," EDITION OF 2009

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

SECTION ONE. INCORPORATING UNIFORM PUBLIC OFFENSE CODE. There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Almena, Kansas, that certain code known as the "Uniform Public Offense Code," Edition of 2009, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas. No fewer than two (2) copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Adopted by Ordinance No. 419," 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 TWO. AMENDMENT. Section 11-101 of the Almena City Code is hereby amended and replaced by Section One of this ordinance.

SECTION THREE. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, on this 14th day of September, 2009.

SIGNED BY THE MAYOR of Almena, Kansas, this 14th day of September, 2009.

CITY OF ALMENA, KANSAS
Gerald Wilson, Mayor

ATTEST:
Twila Ingram, City Clerk

Filed For
Informational Purposes
Only

KANSAS CORPORATION COMMISSION
FEB 04 2010
UTILITIES DIVISION

ORDINANCE NO. 420

AN ORDINANCE GRANTING TO MIDWEST ENERGY, INC., A KANSAS CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NATURAL GAS FRANCHISE PRESCRIBING THE TERMS THEREOF AND RELATING THERETO, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT WITH THE TERMS THEREOF.

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

Section 1. That, in consideration of the benefits to be derived by the City of Almena, Kansas, and its inhabitants, hereinafter called "City", there is hereby granted to Midwest Energy, Inc., hereinafter called "Grantee" or "Company", its successors and assigns, the right to use and occupy the streets, avenues, alleys and other public places within the City of Almena, Kansas, for the purpose of constructing, installing, maintaining and operating a natural gas transmission and distribution system including mains, pipes, conduits, services and other necessary structures and appurtenances, in, under, upon, over, across, and along the streets, alleys, bridges, and public grounds within the present and future corporate limits of the City of Almena, Kansas, for the furnishing, transmission, distribution, and sale of natural gas, for heating, cooling, domestic, industrial and other purposes, and for transmitting natural gas into, through and beyond said City for a period of twenty (20) years from the date of passage of this Ordinance through the 2nd day of November, 2029.

Section 2. All mains, pipes, conduits and services shall be installed and maintained so as to interfere as little as practicable with traffic over the streets, alleys, bridges and public places of said City.

When Grantee shall do any work of construction, repair or maintenance of said system in the course of which any pavements, curbing or gutter upon any street, alley, bridge or public place shall be excavated, Grantee shall properly protect excavations and shall promptly restore such street, alley, bridge or public place as far as practicable to as good condition as before such work was done.

Section 3. That, in consideration of the rights and privileges hereby granted, said Grantee hereby undertakes and agrees to use reasonable effort to maintain good and adequate service to the City hereunder, but it is understood that the Company does not guarantee that the supply of natural gas will at all times be continuous and it is agreed that temporary cessation of Company's service hereunder occasioned by fire, explosion, flood, strike, insurrection, mob violence, governmental interference, breakdown or injury to machinery, or transmission or distribution lines or from other accidents or causes not reasonably within its control, shall not constitute a breach of this Ordinance or any obligation arising hereunder on the part of the Company; and, that Grantee shall not be liable to City for any damages resulting from such temporary cessation of service.

Section 4. That, in consideration of the rights and privileges hereby granted, said Grantee, its successors and assigns, shall locate its transmission and distribution lines in the streets, avenues, alleys and other public places in such manner as not to interfere with the use of said streets, avenues, alleys and public places. At times when City causes public improvements to be made to any of the streets, avenues, alleys or other public places within the City that are occupied by Company's natural gas facilities, Company shall, at City request, relocate its natural gas facilities at Company's expense to conform to the City's planned improvement. If said Grantee is required to move, alter or rebuild any of its natural gas facilities not located on public right-of-way, the cost of moving, altering or rebuilding said facilities shall be borne by the requesting party. In the event City vacates or otherwise abandons City right-of-way on which Company facilities are located, or planned to be located, the Ordinance vacating or abandoning such City right-of-way shall provide City granted easement to Company.

Section 5. It is further agreed by the City and the Company, that the rates now in effect or such rates as may be approved by the proper governmental authority having jurisdiction over the Company, shall be deemed to be a reasonable schedule of maximum rates charged the City and its inhabitants for the service provided by the Company.

Section 6. Subject to any restriction placed on Company by regulatory authorities having jurisdiction over the Company in consideration of and as compensation for the granting of this franchise by the City of Almena, Kansas, and in lieu of any licenses, fees and occupation or other revenue taxes, Company shall collect from consumers and pay to the City an amount equal to four percent (4 %) of the gross revenue derived from the sales of natural gas and four cents per therm for gas transported to any customer within the corporate limits of said City. Payment shall be made to the City monthly for the preceding monthly period.

The City shall have access to and the right to examine, at all reasonable times, all books, receipts, files, records and documents of Company necessary to verify the correctness of said payments.

Notwithstanding anything to the contrary in this franchise, the fee provided for in this Section 6 shall not become effective within any area annexed by the City until 30 days after the City provides the Company with a certified copy of the annexation ordinance, proof of publication as required by law, and a map of the city detailing the annexed area.

Section 7. Without affecting the other terms of this Ordinance, as further consideration for the rights and privileges hereby granted Company and subject to any restrictions placed on Company by regulatory authorities having jurisdiction over Company, Company agrees that the City will have the option to open the provision of Section 6 relating to the percentage applied to gross receipts derived from applicable natural gas sales. Six (6) months prior to the end of each 5-year period that this Ordinance is in existence, the Company and the City may renegotiate the percentage to be paid to the City during the succeeding 5-year period. If the Company and the City cannot reach a mutual agreement on said percentage during such 6-month period, this Ordinance shall become null and void.

Section 8. That the Company, its successors and assigns, in the construction, maintenance and operation of its natural gas transmission and distribution system, under the rights and privileges herein granted, shall exercise all reasonable and proper precaution to avoid damage or injury to persons or property, and shall hold and save harmless the City of Almena, Kansas, from any and all damage, injury and expense caused by the negligence of said Company, its successors and assigns, or its or their agents or servants.

Section 9. It is further provided that should any section or sections of this Ordinance be held null and void, or void or illegal by any court having jurisdiction in a proper action, such decision by such court shall not affect any other part of this Ordinance not passed upon by such court.

Section 10. That all ordinances or parts of ordinances in conflict with or inconsistent with this Ordinance are hereby repealed.

Section 11. This franchise is granted pursuant to the provisions of Article 20, Chapter 12, Kansas Statutes Annotated.

Section 12. The ordinance shall take effect and be in force from and after its passage and publication in the Norton Telegram, the official city newspaper.

FINAL ADOPTION AND PASSAGE by the Governing Body of the City of Almena, Kansas, this 2nd day of November, 2009.

Mayor

ATTEST:

City Clerk

(SEAL)

President, Midwest Energy, Inc.

ATTEST:

Assistant Secretary, Midwest Energy, Inc.

(SEAL)

Proof of Publication

State of Kansas
NORTON COUNTY

Sherry Hickman of lawful age, being duly sworn upon oath, states that he/she is the designated representative of the Norton Telegram.

THAT said newspaper has been published at least one hundred (100) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication:

THAT said paper has a general paid circulation in NORTON County, Kansas, and is NOT a trade, religious or fraternal publication and has been published in NORTON County, Kansas.

THE ATTACHED was published on the following dates in a regular issue of the said newspaper:

1st
publication was made on the 10 day of November, 2009

2nd
publication was made on the ____ day of _____, 2009

3rd
publication was made on the ____ day of _____, 2009

4th
publication was made on the ____ day of _____, 2009

5th
publication was made on the ____ day of _____, 2009

28.5" Publication fee $161.31
Affidavit, Notary's fees $ _____
Additional copies $ _____

TOTAL publication fees $161.31

(Sign) Sherry Hickman

Witness my hand this 16th day of November 2009

SUBSCRIBED and Sworn to before me this 16th day of November, 2009. State of Kansas, County of Norton.

Paula A Engel
Chief Clerk

ORDINANCE NO. 420

AN ORDINANCE GRANTING TO MIDWEST ENERGY, INC., A KANSAS CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NATURAL GAS FRANCHISE PRESCRIBING THE TERMS THEREOF AND RELATING THERETO, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT WITH THE TERMS THEREOF.

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

Section 1. That, in consideration of the benefits to be derived by the City of Almena, Kansas, and its inhabitants, hereinafter called "City", there is hereby granted to Midwest Energy, Inc., hereinafter called "Grantee" or "Company", its successors and assigns, the right to use and occupy the streets, avenues, alleys and other public places within the City of Almena, Kansas, for the purpose of constructing, installing, maintaining and operating a natural gas transmission and distribution system including mains, pipes, conduits, services and other necessary structures and appurtenances, in, under, upon, over, across, and along the streets, alleys, bridges, and public grounds within the present and future corporate limits of the City of Almena, Kansas, for the furnishing, transmission, distribution, and sale of natural gas, for heating, cooling, domestic, industrial and other purposes, and for transmitting natural gas into, through and beyond said City for a period of twenty (20) years from the date of passage of this Ordinance through the 2nd day of November, 2029.

Section 2. All mains, pipes, conduits and service shall be installed and maintained so as to interfere as little as practicable with traffic over the streets, alleys, bridges and public places of said City.

When Grantee shall do any work of construction, repair or maintenance of said system in the course of which any pavements, curbing or gutter upon any street, alley, bridge or public place shall be excavated, Grantee shall properly protect excavations and shall promptly restore such street, alley, bridge or public place as far as practicable to as good condition as before such work was done.

Section 3. That, in consideration of the rights and privileges hereby granted, said Grantee hereby undertakes and agrees to use reasonable effort to maintain good and adequate service to the City hereunder, but it is understood that the Company does not guarantee that the supply of natural gas will at all times be continuous and it is agreed that temporary cessation of Company's service hereunder occasioned by fire, explosion, flood, strike, insurrection, mob violence, governmental interference, breakdown or injury to machinery, or transmission or distribution lines or from other accidents or causes not reasonably within its control, shall not constitute a breach of this Ordinance or any obligation arising hereunder on the part of the Company; and, that Grantee shall not be liable to City for any damages resulting from such temporary cessation of service.

Section 4. That, in consideration of the rights and privileges hereby granted, said Grantee, its successors and assigns, shall locate its transmission and distribution lines in the streets, avenues, alleys and other public places in such manner as not to interfere with the use of said streets, avenues, alleys and public places. At times when City causes public improvements to be made to any of the streets, avenues, alleys or other public places within the City that are occupied by Company's natural gas facilities, Company shall, at City request, relocate its natural gas facilities at Company's expense to conform to the City's planned improvement. If said Grantee is required to move, alter or rebuild any of its natural gas facilities not located on public right-of-way, the cost of moving, altering or rebuilding said facilities shall be borne by the requesting party. In the event City vacates or otherwise abandons City right-of-way on which Company facilities are located, or planned to be located, the Ordinance vacating or abandoning such City right-of-way shall provide City granted easement to Company.



(Published in *The Norton Telegram* on March 5, 2010)

ORDINANCE NO. 421

AN ORDINANCE OF THE CITY OF ALMENA, KANSAS, AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2010, IN THE AGGREGATE PRINCIPAL AMOUNT OF $225,000, FOR THE PURPOSE OF FINANCING THE COSTS OF A COMMUNITY BUILDING IN THE CITY; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the governing body of the City of Almena, Kansas (the "City"), has heretofore authorized and provided for the calling of a bond election in the City, in order to submit to the voters the proposition of issuing general obligation bonds of the City, in an amount not to exceed $260,000, to pay the costs of constructing and equipping a community building to house a public activity and meeting room, library and City offices (the "Project") under the authority of K.S.A. 12-1736 to 12-1739, inclusive (the "Public Building Act"), as amended; and

WHEREAS, said bond election was duly called and held in the City on December 8, 2009, and a majority of those voting on the proposition at said bond election voted in favor thereof; and

WHEREAS, the governing body has, pursuant to the K.S.A. 10-101 *et seq.*, as amended and supplemented (the "Bond Act") and by Resolution No. 2010-1, adopted February 1, 2010, authorized the underwriting of general obligation bonds of the City, and the notice of the intent to seek private placement was published in the *Norton Telegram* and *The Kansas Register*, as required by law; and

WHEREAS, the governing body determines it necessary and appropriate to authorize and provide for the issuance of such general obligation bonds, pursuant to the Public Building Act and Bond Act, for the purpose of providing the necessary funds for the purposes described; and to specify the terms, details, form and conditions of the general obligation bonds.

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

SECTION 1. **Authorization of the Bonds**. General Obligation Bonds, Series 2010, of the City in the total principal amount of Two Hundred Twenty-Five Thousand Dollars ($225,000.00) (the "Bonds") are authorized to be issued for the purpose of providing funds to pay a portion of the costs of the improvements described above (the "Project").

SECTION 2. **Security for the Bonds**. The Bonds are general obligations of the City. The full faith, credit and resources of the City are pledged to secure the payment of the principal of and the interest on the Bonds as the same severally become due and payable. The

governing body of the City covenants that it shall annually make provision for the payment of the principal of and the interest on the Bonds as and when the same become due and payable by levying and collecting the necessary ad valorem taxes upon all of the taxable tangible property located within the territorial limits of the City, in such amounts as are necessary to provide for such annual payment.

SECTION 3. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution hereafter adopted by the governing body of the City (the "Resolution").

SECTION 4. Designation of Paying Agent and Bond Registrar; Issuer/Agent Agreement. Pursuant to K.S.A. 10-620 *et seq.*, the governing body elects to have the provisions of the Kansas Bond Registration Law apply to the Bonds and designates and appoints the Treasurer of the State of Kansas, Topeka, Kansas, as the Bond Registrar and Paying Agent for the bonds (the "Paying Agent"). The terms, conditions and provisions under which the Paying Agent will perform its duties are set forth in an Agreement between Issuer and Paying Agent dated as of March 23, 2010 (the "Issuer/Agent Agreement"). The form and text of the Issuer/Agent Agreement are approved and accepted by the governing body, and all of the covenants, duties and responsibilities therein to be performed by and on behalf of the City are hereby declared to be the covenants, duties and responsibilities of the City as though fully set forth at this place. The Mayor and City Clerk are authorized to execute and deliver the Issuer/Agent Agreement for and on behalf of the City. The Issuer/Agent Agreement is incorporated in and made a part of this Ordinance as though fully set forth at this place; provided however, the inclusion of the Issuer/Agent Agreement in the publication of this Ordinance shall not be required.

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

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as other general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes shall be deposited in the Series 2010 Principal and Interest Account, as defined in the Resolution.

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

SECTION 6. **Tax Covenants**. The governing body of the City covenants that so long as any of the Bonds remain outstanding and unpaid, no use will be made of the proceeds thereof which, if such use had been reasonably expected on the date of issuance and delivery, would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 103(b)(2) of the Internal Revenue Code of 1986, as amended (the "Code"); and that it will comply with all applicable requirements of Section 148 of the Code and the Rules and Regulations of the United States Treasury Department thereunder for so long as any of the Bonds remain outstanding and unpaid. The governing body further covenants to take all such action in its power as may be required from time to time in order to ensure the continued tax-exempt status of the interest on the Bonds, and to comply with all provisions of the Code, as the same be amended, and any applicable Rules and Regulations of the United States Treasury Department thereunder.

SECTION 7. **Designation as Qualified Tax-Exempt Obligations**. The governing body of the City designates the Bonds as "qualified tax-exempt obligations" as defined in Section 265(b)(3) of the Code.

SECTION 8. **Further Authority**. The City and its officers, agents and employees are authorized and directed to, take such actions, expend such moneys and execute such other documents, certificates and instruments as may be necessary or desirable in order to carry out and comply with this Ordinance and to give effect to the transactions contemplated hereby, including final certificates required to be included in the official Transcript of Proceedings relating to the authorization and issuance of the Bonds, all without further action by the governing body.

SECTION 9. **Severability**. If any provision of this Ordinance shall be held or deemed to be invalid, inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatsoever.

SECTION 10. **Governing Law**. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

SECTION 11. **Effective Date**. This Ordinance shall be in force and take effect from and after its adoption and approval and its publication one time in the City's official newspaper.

[Remainder of Page Intentionally Left Blank]

ADOPTED AND APPROVED by the governing body of the City of Almena, Kansas on March 1, 2010.

CITY OF ALMENA, KANSAS

[seal]

By _____
Gerald Wilson, Mayor

ATTEST:

By _____
Twila Ingram, City Clerk

TWG REF: 328224
Bond Ordinance

Proof of Publication

State of Kansas
NORTON COUNTY

Sherry Hickman of lawful age, being duly sworn upon oath, states that he/she is the designated representative of the Norton Telegram.

THAT said newspaper has been published at least one hundred (100) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication:

THAT said paper has a general paid circulation in NORTON County, Kansas, and is NOT a trade, religious or fraternal publication and has been published in NORTON County, Kansas.

THE ATTACHED was published on the following dates in a regular issue of the said newspaper:

1st
publication was made on the 5 day of March, 2010
2nd
publication was made on the ____ day of ____, 2010
3rd
publication was made on the ____ day of ____, 2010
4th
publication was made on the ____ day of ____, 2010
5th
publication was made on the ____ day of ____, 2010

32" Publication fee $ 181.12
Affidavit, Notary's fees $ ____
Additional copies $ ____

TOTAL publication fees $ 181.12

(Sign) Sherry Hickman

Witness my hand this 10th day of March, 2010

SUBSCRIBED and Sworn to before me this 10th day of March, 2010. State of Kansas, County of Norton.

Cecilia Hillebrand
Deputy Clerk

DISTRICT COURT Seal NORTON COUNTY, KANSAS

Published in The Norton Telegram on Friday, March 5, 2010 (1T)

AN ORDINANCE OF THE CITY OF ALMENA, KANSAS, AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2010, IN THE AGGREGATE PRINCIPAL AMOUNT OF $225,000, FOR THE PURPOSE OF FINANCING THE COSTS OF A COMMUNITY BUILDING IN THE CITY; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the governing body of the City of Almena, Kansas (the "City"), has heretofore authorized and provided for the calling of a bond election in the City, in order to submit to the voters the proposition of issuing general obligation bonds of the City, in an amount not to exceed $260,000, to pay the costs of constructing and equipping a community building to house a public activity and meeting room, library and City offices (the "Project") under the authority of K.S.A. 12-1736 to 12-1739, inclusive (the "Public Building Act"), as amended; and

WHEREAS, said bond election was duly called and held in the City on December 8, 2009, and a majority of those voting on the proposition at said bond election voted in favor thereof; and

WHEREAS, the governing body has, pursuant to the K.S.A. 10-101 et seq., as amended and supplemented (the "Bond Act") and by Resolution No. 2010-1, adopted February 1, 2010, authorized the underwriting of general obligation bonds of the City, and the notice of the intent to seek private placement was published in the Norton Telegram and The Kansas Register, as required by law; and

WHEREAS, the governing body determines it necessary and appropriate to authorize and provide for the issuance of such general obligation bonds, pursuant to the Public Building Act and Bond Act, for the purpose of providing the necessary funds for the purposes described; and to specify the terms, details, form and conditions of the general obligation bonds.

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

SECTION 1. Authorization of the Bonds. General Obligation Bonds, Series 2010, of the City in the total principal amount of Two Hundred Twenty-Five Thousand Dollars ($225,000.00) (the "Bonds") are authorized to be issued for the purpose of providing funds to pay a portion of the costs of the improvements described above (the "Project").

SECTION 2. Security for the Bonds. The Bonds are general obligations of the City. The full faith, credit and resources of the City are pledged to secure the payment of the principal of and the interest on the Bonds as the same severally become due and payable. The governing body of the City covenants that it shall annually make provision for the payment of the principal of and the interest on the Bonds as and when the same become due and payable by levying and collecting the necessary ad valorem taxes upon all of the taxable tangible property located within the territorial limits of the City, in such amounts as are necessary to provide for such annual payment.

SECTION 3. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution hereafter adopted by the governing body of the City (the "Resolution").

SECTION 4. Designation of Paying Agent and Bond Registrar; Issuer/Agent Agreement. Pursuant to K.S.A. 10-620 et seq., the governing body elects to have the provisions of the Kansas Bond Registration Law apply to the Bonds and designates and appoints the Treasurer of the State of Kansas, Topeka, Kansas, as the Bond Registrar and Paying Agent for the bonds (the "Paying Agent"). The terms, conditions and provisions under which the Paying Agent will perform its duties are set forth in an Agreement between Issuer and Paying Agent dated as of March 23, 2010 (the "Issuer/Agent Agreement"). The form and text of the Issuer/Agent Agreement are approved and accepted by the governing body, and all of the covenants, duties and responsibilities therein to be performed by and on behalf of the City are hereby declared to be the covenants, duties and responsibilities of the City as though fully set forth at this place. The Mayor and City Clerk are authorized to execute and deliver the Issuer/Agent Agreement for and on behalf of the City. The Issuer/Agent Agreement is incorporated in and made a part of this Ordinance as though fully set forth at this place; provided however, the inclusion of the Issuer/Agent Agreement in the publication of this Ordinance shall not be required.

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

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as other general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes shall be deposited in the Series 2010 Principal and Interest Account, as defined in the Resolution.

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

SECTION 6. Tax Covenants. The governing body of the City covenants that so long as any of the Bonds remain outstanding and unpaid, no use will be made of the proceeds thereof which, if such use had been reasonably expected on the date of issuance and delivery, would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 103(b)(2) of the Internal Revenue Code of 1986, as amended (the "Code"); and that it will comply with all applicable requirements of Section 148 of the Code and the Rules and Regulations of the United States Treasury Department thereunder for so long as any of the Bonds remain outstanding and unpaid. The governing body further covenants to take all such action in its power as may be required from time to time in order to ensure the continued tax-exempt status of the interest on the Bonds, and to comply with all provisions of the Code, as the same be amended, and any applicable Rules and Regulations of the United States Treasury Department thereunder.

SECTION 7. Designation as Qualified Tax-Exempt Obligations. The governing body of the City designates the Bonds as "qualified tax-exempt obligations" as defined in Section 265(b)(3) of the Code.

SECTION 8. Further Authority. The City and its officers, agents and employees are authorized and directed to, take such actions, expend such moneys and execute such other documents, certificates and instruments as may be necessary or desirable in order to carry out and comply with this Ordinance and to give effect to the transactions contemplated hereby, including final certificates required to be included in the official Transcript of Proceedings relating to the authorization and issuance of the Bonds, all without further action by the governing body.

SECTION 9. Severability. If any provision of this Ordinance shall be held or deemed to be invalid, inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have

ORDINANCE NO. 422

AN ORDINANCE PROVIDING FOR THE IMPLEMENTATINO OF WATER CONSERVATION MEASURES IN THE EVENT OF A WATER SUPPLY EMERGENCY FOR THE CITY OF ALMENA, KANSAS

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

Section 1. PURPOSE. The purpose of this ordinance is to provide for the declaration of a water supply emergency and the implementation of voluntary and mandatory water conservation measures throughout the City in the event such an emergency is declared.

Section 2. DEFINITIONS.

(a) Water shall mean water available to the City for treatment by virtue of its water rights or any treated water introduced by the City into its water distribution system, including water offered for sale at any coin-operated site.

(b) Customer shall mean the customer of record using water for any purpose from the City's water distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

(c) Waste of Water includes, but is not limited to (1) permitting water to escape down a gutter, ditch, or other surface drain, or (2) failure to repair a controllable leak of water due to defective plumbing.

(d) The following classes of uses of water are established:

Class 1: Water used for outdoor watering, either public or private, for gardens, lawns, trees, shrubs, plants, parks, golf courses, playing fields, swimming pools or other recreational area; or the washing of motor vehicles, 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 their place of employment.

Class 3: Domestic usage, other than that which would be included in either Classes 1 or 2.

Class 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

Section 3. DECLARATION OF A WATER EMERGENCY. Whenever the governing body of the City finds that an emergency exists by reason of a shortage of water supply needed for essential uses, it shall be empowered to declare by resolution that a water supply emergency exists and that it will encourage voluntary water conservation or impose mandatory restrictions on water use during the period of the emergency. Such an emergency shall be deemed to continue until it is declared by resolution of the governing body to have ended. The resolutions declaring the existence and end of a water supply emergency shall be effective upon their publication in the official City newspaper.

Section 4. VOLUNTARY CONSERATION MEASURES. Upon the declaration of a water supply emergency as provided in Section 3, the Mayor is authorized to call on all water consumers to employ voluntary water conservation measures to limit or eliminate non-essential water uses including, but not limited to, limitations on the following uses:

(a) Sprinkling of water on lawns, shrubs o r trees (including golf courses).
(b) Washing to automobiles.
(c) Use of water in swimming pools, fountains and evaporative air conditioning systems.
(d) Waste of water.

Section 5. MANDATORY CONSERVATION MEASURES. Upon the declaration of a water supply emergency as provided in Section 3, the Mayor is also authorized to implement certain mandatory water conservation measures, including, but not limited to, the following:

(a) Suspension of new connections to the City's water distribution system, except connections of fire hydrants and those made pursuant to agreements entered into by the City prior to the effective date of the declaration of the emergency;
(b) Restrictions on the uses of water in one or more classes of water use, wholly or in part;
(c) Restrictions on the sales of water at coin-operated facilities or sites;
(d) The imposition of water rationing based on any reasonable formula including, but not limited to the percentage of normal use and per capita or per consumer restrictions;
(e) Complete or partial bans on the waste of water; and
(f) Any combination of the foregoing measures.

Section 6. EMERGENCY WATER RATES. Upon the declaration of a water supply emergency as provided in Section 3, the governing body of the City shall have the power to adopt emergency water rates by ordinance designed to conserve water supplies. Such emergency rates may provide for, but are not limited to:

(a) Higher charges for increasing usage per unit of the use (increasing block rates);
(b) Uniform charges for water usage per unit of use (uniform unit rate); or
(c) Extra charges in excess of a specified level of water use (excess demand surcharge).

Section 7. REGULATIONS. During the effective period of any water supply emergency as provided for in Section 3, the Mayor is empowered to promulgate such regulations as may be necessary to carry out the provisions of this ordinance, any water supply emergency resolution, or emergency water rate ordinance. Such regulations shall be subject to the approval of the governing body at its next regular or special meeting.

Section 8. VIOLATIONS, DISCONNECTIONS AND PENALTIES.

(a) If the Mayor, City Superintendent, or other City official or officials charged with implementation and enforcement of this ordinance or a water supply emergency resolution or ordinance learn of any violation of any water use restrictions imposed pursuant to Sections 5 or 7, a written notice of the violation shall be affixed to the property where the violation occurred and the customer of record and any other person known to the City who is responsible for the violation or its correction shall be provided with either actual or mailed notice. The notice shall describe the violation and order that it be corrected, cured or abated immediately or within such specified time as the City determines is reasonable under the circumstances. If the order is not complied with, the City may terminate water service to the customer subject to the following procedures:

(1) The City shall give the customer notice by mail or actual notice that water service will be discontinued within a specified time due to the violation and that the customer will have the opportunity to appeal the termination by requesting a hearing scheduled before the City governing body or a City official designated as a hearing officer by the governing body.
(2) If such a hearing is requested by the customer charged with the violation, he or she shall be given a full opportunity to be heard before termination is ordered; and
(3) The governing body or hearing official shall make findings of fact and order whether service should continue or be terminated.

(b) A fee of $50.00 shall be paid for the reconnection of any water service terminated pursuant to subsection (a). In the event of subsequent violations, the reconnection fee shall be $200.00 for the second violation and $300.00 for any additional violations.

(c) Violation of this ordinance shall be a municipal offense and may be prosecuted in Municipal Court. Any person so charged and found guilty in Municipal Court of violating the provisions of this ordinance shall be guilty of a municipal offense. Each day's violation shall constitute a separate offense. The penalty for an initial violation shall be a mandatory fine of $100.00. In addition, such customer may be required by the Court to serve a definite term of confinement in the City or County jail, which shall be fixed by the Court and which shall not exceed 30 days. The penalty for a second or subsequent conviction shall be a mandatory fine of $200.00. In addition, such customer shall serve a definite term of confinement in the City or County jail, which shall be fixed by the Court and which shall not exceed 30 days.

Section 9. EMERGENCY TERMINATION. Nothing in this ordinance shall limit the ability of any properly authorized City official from terminating the supply of water to any or all service connections as required to protect the health and safety of the public.

Section 10. PUBLICATION; EFFECTIVE DATE. This ordinance shall take effect and be in full force from and after its publication in the official City newspaper.

PASSED AND APPROVED by the governing body of this City of Almena, Kansas, on this 7th day of December, 2010.

CITY OF ALMENA, KANSAS

(SEAL)

Gerald D Wilson

Gerald Wilson, Mayor

ATTEST:

Twila Ingram

Twila Ingram, Almena City Clerk

SEBELIUS & GRIFFITHS, LLP
Attorneys at Law

P.O. BOX 10 -105 SOUTH NORTON - NORTON, KS 67654-0010
Phone 785-877-5143 Fax 785-877-3456

R. DOUGLAS SEBELIUS
KAREN L. GRIFFITHS

November 12, 2010

Mrs. Twila Ingram
Almena City Clerk
P. O. Box 277
Almena, KS 67622-0277

RE: Water Conservation Measures Ordinance

Dear Twila:

As part of the recent water supply plan that the Council adopted, the enclosed ordinance addresses the rationing of water discussed within the plan for the City of Almena. Have this on the agenda for the upcoming meeting. If the Council adopts it, then we will enter the ordinance number on the line provided within the plan that you have on file.

Let me know if you have any questions in the meantime.

Very truly yours,

R. Douglas Sebelius
Almena City Attorney

RDS/jn

enc.

•PUBLIC NOTICE•

ORDINANCE NO. 422

Published in The Norton Telegram on Friday, June 17, 2011 (1T)

ORDINANCE NO. 422

AN ORDINANCE OF THE CITY OF ALMENA, KANSAS, AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2011, IN THE AGGREGATE PRINCIPAL AMOUNT OF $35,000, FOR THE PURPOSE OF FINANCING THE COMPLETION COSTS OF A COMMUNITY BUILDING IN THE CITY; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the governing body of the City of Almena, Kansas (the "City"), has heretofore authorized and provided for the calling of a bond election in the City, in order to submit to the voters the proposition of issuing general obligation bonds of the City, in an amount not to exceed $260,000, to pay the costs of constructing and equipping a community building to house a public activity and meeting room, library and City offices (the "Project") under the authority of K.S.A. 12-1736 to 12-1739, inclusive (the "Public Building Act"), as amended; and

WHEREAS, said bond election was duly called and held in the City on December 8, 2009, and a majority of those voting on the proposition at said bond election voted in favor thereof; and

WHEREAS, the City has previously issued its General Obligation Bonds, Series 2010, in the principal amount of $225,000 dated March 23, 2010 (the "2010 Bonds") for the purpose of paying the costs of construction and equipping the Project; and

WHEREAS, the governing body has, pursuant to the K.S.A. 10-101 et seq., as amended and supplemented (the "Bond Act") and by Resolution No. 2011-1, adopted May 9, 2011, authorized the underwriting of general obligation bonds of the City in the amount of $35,000 to pay the completion costs of the Project, and the notice of the intent to seek private placement was published in The Norton Telegram and The Kansas Register, as required by law; and

WHEREAS, the City is authorized by the Public Building Act and the Bond Act, to issue, sell and deliver its general obligation bonds for the purpose of providing financing for the costs of the Project, and is not required to sell such general obligation bonds at public sale if the principal amount thereof is less than $2,000,000; and

WHEREAS, the City is not prohibited from providing for the issuance of the covenants, duties and responsibilities therein to be performed by and on behalf of the City are hereby declared to be the covenants, duties and responsibilities of the City as though fully set forth at this place. The Mayor and City Clerk are authorized to execute and deliver the Issuer/Agent Agreement for and on behalf of the City. The Issuer/Agent Agreement is incorporated in and made a part of this Ordinance as though fully set forth at this place; provided however, the inclusion of the Issuer/Agent Agreement in the publication of this Ordinance shall not be required.

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

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as other general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes shall be deposited in the Series 2011 Principal and Interest Account, as defined in the Resolution.

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

SECTION 6. Tax Covenants. The governing body of the City covenants that so long as any of the Bonds remain outstanding and unpaid, no use will be made of the proceeds thereof which, if such use had been reasonably expected on the date of issuance and delivery, would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 103(b)(2) of the Internal Revenue Code of 1986, as amended (the "Code"); and that it will comply with all applicable requirements of Section 148 of the Code and the Rules and Regulations of the United States Treasury Department thereunder for so long as any of the Bonds remain outstanding and unpaid. The governing body further covenants to take all such action in its power as may be required from time to time in order to ensure the continued of bonds to pay the completion costs of the Project that is more than 12 months from its last bond issue; and

WHEREAS, the governing body determines it necessary and appropriate to authorize and provide for the issuance of such general obligation bonds, pursuant to the Public Building Act and Bond Act, for the purpose of providing the necessary funds for the purposes described; and to specify the terms, details, form and conditions of the general obligation bonds.

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

SECTION 1. Authorization of the Bonds. General Obligation Bonds, Series 2011, of the City in the total principal amount of Thirty-Five Thousand Dollars ($35,000.00) (the "Bonds") are authorized to be issued for the purpose of providing funds to pay a portion of the costs of the improvements described above (the "Project").

SECTION 2. Security for the Bonds. The Bonds are general obligations of the City. The full faith, credit and resources of the City are pledged to secure the payment of the principal of and the interest on the Bonds as the same severally become due and payable. The governing body of the City covenants that it shall annually make provision for the payment of the principal of and the interest on the Bonds as and when the same become due and payable by levying and collecting the necessary ad valorem taxes upon all of the taxable tangible property located within the territorial limits of the City, in such amounts as are necessary to provide for such annual payment.

SECTION 3. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution hereafter adopted by the governing body of the City (the "Resolution").

SECTION 4. Designation of Paying Agent and Bond Registrar; Issuer/Agent Agreement. Pursuant to K.S.A. 10-620 et seq., the governing body elects to have the provisions of the Kansas Bond Registration Law apply to the Bonds and designates and appoints the Treasurer of the State of Kansas, Topeka, Kansas, as the Bond Registrar and Paying Agent for the bonds (the "Paying Agent"). The terms, conditions and provisions under which the Paying Agent will perform its duties are set forth in an Agreement between Issuer and Paying Agent dated as of June 29, 2011 (the "Issuer/Agent Agreement"). The form and text of the Issuer/Agent Agreement are approved and accepted by the governing body, and all tax-exempt status of the interest on the Bonds, and to comply with all provisions of the Code, as the same be amended, and any applicable Rules and Regulations of the United States Treasury Department thereunder.

SECTION 7. Authorization of Bond Purchase Agreement. The City is hereby authorized to enter into and deliver a Bond Purchase Agreement dated as of June 1, 2011 (the "Bond Purchase Agreement"), by and between the City, and DeWaay Financial Network, LLC, Wichita, Kansas (the "Underwriter"), pursuant to which the Bonds shall be sold and delivered to the Underwriter.

SECTION 8. Designation as Qualified Tax-Exempt Obligations. The governing body of the City designates the Bonds as "qualified tax-exempt obligations" as defined in Section 265(b)(3) of the Code.

SECTION 9. Further Authority. The City and its officers, agents and employees are authorized and directed to, take such actions, expend such moneys and execute such other documents, certificates and instruments as may be necessary or desirable in order to carry out and comply with this Ordinance and to give effect to the transactions contemplated hereby, including final certificates required to be included in the official Transcript of Proceedings relating to the authorization and issuance of the Bonds, all without further action by the governing body.

SECTION 10. Severability. If any provision of this Ordinance shall be held or deemed to be invalid, inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatsoever.

SECTION 11. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

SECTION 12. Effective Date. This Ordinance shall be in force and take effect from and after its adoption and approval and its publication one time in the City's official newspaper.

ADOPTED AND APPROVED by the governing body of the City of Almena, Kansas on June 13, 2011.

CITY OF ALMENA, KANSAS

[seal]
By /s/Camille Cox
Camille Cox, Mayor
ATTEST:
By /s/Twila Ingram
Twila Ingram, City Clerk

ORDINANCE NO. 424

AN ORDINANCE AMENDING THE CODE OF THE CITY OF ALMENA, KANSAS, TO ALLOW CONSUMPTION OF CEREAL MALT BEVERAGES ON THE PREMISES OF THE ALMENA COMMUNITY BUILDING

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

SECTION ONE. Subsection (b) of Section 3-102 the Code of the City of Almena, Kansas, is hereby amended to provide as follows:

> "(b) It shall be unlawful for any person to drink or consume any cereal malt beverage or alcoholic beverage in any public place not licensed to sell and serve such beverage for public consumption at such public place within or under the jurisdiction of the City; excepting, however, that any person may serve, drink or consume any cereal malt beverage within the premises of the Almena Community Building when such activity has been specifically authorized by usage agreement or license approved by the governing body of the City. Nothing in this section authorizes the retail sale of cereal malt beverages within or upon the premises of the Almena Community Building."

SECTION TWO. Section 12-110 of the Code of the City of Almena, Kansas, is hereby amended to provide as follows:

> "It shall be unlawful for any person or persons to use, consume or possess on the premises of any park, public school or City property within the City any alcoholic liquor or cereal malt beverage; excepting, however, that any person may possess or consume any cereal malt beverage within the premises of the Almena Community Building when such activity has been specifically authorized by usage agreement or license approved by the governing body of the City."

SECTION THREE. This ordinance shall be published in the official City newspaper and shall take effect upon its publication.

PASSED AND ADOPTED this 7th day of November, 2011.

CITY OF ALMENA, KANSAS

(Seal)

ATTEST:

Camille Cox, Mayor

Niki Kinderknecht, City Clerk

Proof of Publication

State of Kansas
NORTON COUNTY

Marcia J Shelton of lawful age, being duly sworn upon oath, states that he/she is the designated representative of the Norton Telegram.

THAT said newspaper has been published at least one hundred (100) times a year and has been so published for at least one year prior to the first publication of the attached notice:

THAT said paper was entered as second class mail matter at the post office of its publication:

THAT said paper has a general paid circulation in NORTON County, Kansas, and is NOT a trade, religious or fraternal publication and has been published in NORTON County, Kansas.

THE ATTACHED was published on the following dates in a regular issue of the said newspaper:

1st
publication was made on the 11th day of November, 2011
2nd
publication was made on the _____ day of _____, 2011
3rd
publication was made on the _____ day of _____, 2011
4th
publication was made on the _____ day of _____, 2011
5th
publication was made on the _____ day of _____, 2011

9.5" Publication fee $ 59.85
Affidavit, Notary's fees $ _____
Additional copies $ _____

TOTAL publication fees $ 59.85

(Sign) Marcia J Shelton

Witness my hand this 14th day of Nov, 2011

SUBSCRIBED and Sworn to before me this 14th day of November, 2011. State of Kansas, County of Norton.

Cecilia Hillebrand, Deputy

DISTRICT COURT Seal NORTON COUNTY, KANSAS



•PUBLIC NOTICE•

ORDINANCE NO. 424

Published in The Norton Telegram on Friday, November 11, 2011

ORDINANCE NO. 424
AN ORDINANCE AMENDING THE CODE OF THE CITY OF ALMENA, KANSAS, TO ALLOW CONSUMPTION OF CEREAL MALT BEVERAGES ON THE PREMISES OF THE ALMENA COMMUNITY BUILDING

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

SECTION ONE. Subsection (b) of Section 3-102 the Code of the City of Almena, Kansas, is hereby amended to provide as follows:

"(b) It shall be unlawful for any person to drink or consume any cereal malt beverage or alcoholic beverage in any public place not licensed to sell and serve such beverage for public consumption at such public place within or under the jurisdiction of the City; excepting, however, that any person may serve, drink or consume any cereal malt beverage within the premises of the Almena Community Building when such activity has been specifically authorized by usage agreement or license approved by the governing body of the City. Nothing in this section authorizes the retail sale of cereal malt beverages within or upon the premises of the Almena Community Building."

SECTION TWO. Section 7-2-1(b) of the Code of the City of Almena, Kansas, is hereby amended to provide as follows:

"It shall be unlawful for any person or persons to use, consume or possess on the premises of any park, public edifice or City property within the City any alcoholic liquor or cereal malt beverage; excepting, however, that any person may possess or consume any cereal malt beverage within the premises of the Almena Community Building when such activity has been specifically authorized by usage agreement or license approved by the governing body of the city."

SECTION THREE. This ordinance shall be published in the official City newspaper and shall take effect upon its publication.

PASSED AND ADOPTED this 7th day of November, 2011.

CITY OF ALMENA, KANSAS
Camille Cox, Mayor

ATTEST:
Nikki Vanderhoeven, City Clerk

ORDINANCE NO. 425

AN ORDINANCE AMENDING RATES CHARGED FOR USE OF WATER WITHIN THE CITY OF ALMENA, KANSAS

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

SECTION ONE. Section 15-224 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"RATES. The rates per month for the use of water in the City shall be as follows:

(a) For customers within the City: $36.00 per month for the first 3,000 gallons used, and an additional $4.00 per 1,000 gallons used over the 3,000 gallon minimum.

(b) For customers outside the City: $36.00 for the first 3,000 gallons of water used and an additional $4.00 per 1,000 gallons used over the 3,000 gallon minimum."

SECTION TWO. Ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE. This ordinance shall be published in the official City newspaper and shall take effect on February 25, 2014.

PASSED AND ADOPTED this 3rd day of February, 2014.

CITY OF ALMENA, KANSAS

(Seal)

Camille Mussman

Camille Mussman, Mayor

ATTEST:

Stacy S. Whitney

Stacy Whitney, City Clerk

CITY OF ALMENA
415 MAIN ST. P.O. BOX 277
ALMENA, KS 67622
Phone # 785-669-2425 Fax #785-669-2275
OFFICE HOURS: Monday-Friday 8:00 a.m.-1:00 p.m.

February 20, 2013

Dear City of Almena customer:

In an effort to cover the cost of our operating expenses for water, sewer, and trash, the city of Almena has implemented the following rate changes effective March 1, 2014.

The current water rate is $25.00 per month for the first 3,000 gallons used, and an additional $2.00 per 1,000 gallons used over the 3,000 minimum was raised back in August 2011, the new water rate will be $36.00 per month for the first 3,000 gallons used, and an additional $4.00 per 1,000 gallons used over the 3,000 minimum.

The current rate of sewer service of $17.50 was raised back in December 2011, the new sewer rate will be $19.50 per month.

The current rate for trash service of $17.50 and $20.00 per dumpster rental was raised back in May 2007, the new trash rate will be $21.50 per month and $25.00 per dumpster rental.

Sincerely,

Stacy Whitney
City clerk

Proof of Publication

State of Kansas
NORTON COUNTY

Marcia J. Shelton of lawful age, being duly sworn upon oath, states that he/she is the designated representative of the Norton Telegram.

THAT said newspaper has been published at least one hundred (100) times a year and has been so published for at least one year prior to the first publicaton of attached notice:

THAT said paper has a general paid circulation in Norton County, Kansas, and is NOT a trade, religious or fraternal publication and has been published in Norton County, Kansas.

THE ATTACHED was published on the following dates in a regular issue of said newspaper

1st publication was made on the 7th day of February, 2014
2nd publication was made on the _____ day of _____, 2014
3rd publication was made on the _____ day of _____, 2014
4th publication was made on the _____ day of _____ 2014
5th publication was made on the _____ day of _____ 2014

6.0 "	Publication fee	$ 37.80
_____	Original affadavit of 1st Publication	_____
_____	Email proof of 1st run	_____
_____	Additional original affadavit @ $10.00 ea	_____
_____	Additional copies of affadavit	_____
_____	Email proof of 1st run	_____
_____	Additional tear sheets	_____
_____	Email proof of 1st run	_____
	TOTAL Publication fees	$ 37.80

(Sign) Marcia Shelton

Witness my hand this 28th day of February, 2014

SUBSCRIBED and Sworn to before me this 28th day of February, 2014, State of Kansas, County of Norton

Denise L. Thrailkill

DENISE L. THRAILKILL
Notary Public - State of Kansas
My Appt. Expires NOV 1, 2015

•PUBLIC NOTICE•

ORDINANCE NO. 425

Published in The Norton Telegram on Friday, February 7, 2014

ORDINANCE NUMBER 425

AN ORDINANCE AMENDING RATES CHARGED FOR USE OF WATER WITHIN THE CITY OF ALMENA, KANSAS

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

SECTION ONE. Section 10-224 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"**RATES. The rates per month for the use of water in the City shall be as follows:**

(a) For customers within the City: $36.00 per month for the first 3,000 gallons used, and an additional $4.00 per 1,000 gallons used over the 3,000 gallon minimum.

(b) For customers outside the City: $46.80 for the first 3,900 gallons of water used and an additional $4.00 per 1,000 gallons used over the 3,900 gallon minimum."

SECTION TWO. Ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE. This ordinance shall be published in the official City newspaper and shall take effect on February 25, 2014.

PASSED AND ADOPTED this 3rd day of February, 2014.

CITY OF ALMENA, KANSAS
Camille Musselman, Mayor

ATTEST: Stacy Whitney, City Clerk

Proof of Publication

State of Kansas
Norton County

Marcia J. Shelton of lawful age being duly sworn upon oath, stats that he/she is the designaged representative of The Norton Telegram.

THAT said newspaper has been published at least one hundred (100) times a year and has been so published for at least one year prior to the first publication of attached notice.

That said paper has general paid circulation in Norton County, Kansas and is NOT a trade, religious or fraternal publication and has been published in Norton County Kansas.

That ATTACHED was published on the following dates in a regular issue of said newspaper.

1st publication was made on 7th day of February 2014
2nd publication was made on _____ day of _____ 2014
3rd publication was made on _____ day of _____ 2014
4th publication was made on _____ day of _____ 2014
5th publication was made on _____ day of _____ 2014

6 ""	Publication fee	$ 37.80
_____	Original affadavit of 1st Publication	$ _____
_____	Email proof of 1st run	$ _____
_____	Additional original affadavit	$ _____
_____	Additional copies of affadavit	$ _____
_____	Additional tear sheets	$ _____
_____	Copies of complete Newspaper	$ _____

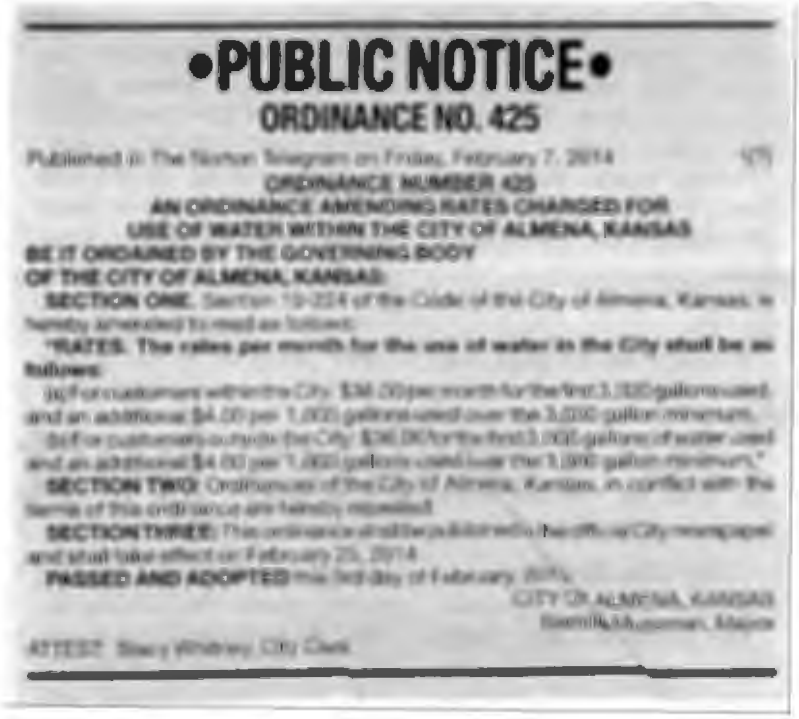
Total Publication Fees $ 37.80

(SIGN) Marcia J. Shelton

Witness my hand this 3rd day of April 2014
SUBSCRIBED and Sworn to before me this 3rd day of April 2014, State of Kansas, County of Norton

Denise Thrailkill

DENISE L. THRAILKILL
Notary Public - State of Kansas
My Appt. Expires Nov 1, 2015



•PUBLIC NOTICE•

ORDINANCE NO. 425

Published in The Norton Telegram on Friday, February 7, 2014

ORDINANCE NUMBER 425

AN ORDINANCE AMENDING RATES CHARGED FOR USE OF WATER WITHIN THE CITY OF ALMENA, KANSAS

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

SECTION ONE. Section 13-224 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"**RATES.** The rates per month for the use of water in the City shall be as follows:

(a) For customers within the City: $36.00 per month for the first 3,000 gallons used and an additional $4.00 per 1,000 gallons used over the 3,000 gallon minimum.

(b) For customers outside the City: $36.00 for the first 3,000 gallons of water used and an additional $4.00 per 1,000 gallons used over the 3,000 gallon minimum."

SECTION TWO: Ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE: This ordinance shall be published in the official City newspaper and shall take effect on February 25, 2014.

PASSED AND ADOPTED this 3rd day of February, 2014.

CITY OF ALMENA, KANSAS
Sam Mikkelsen, Mayor

ATTEST: Stacy Whitney, City Clerk

ORDINANCE NO. 426

AN ORDINANCE AMENDING SEWER SERVICE CHARGES FOR THE CITY OF ALMENA, KANSAS

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

Section One. That Section 15-428 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"**SEWER SERVICE CHARGE.** The monthly charge for service shall be as follows:

(a) Single family residential customers within the City - $19.50 per month;
(b) Single family residential customers outside the City - $21.50 per month;
(c) All other customers - $19.50 per month."

Section Two. Ordinances of the City of Almena, Kansas, which are in conflict with the terms of this Ordinance are hereby repealed.

Section Three. This Ordinance shall be published in the official City newspaper and take effect on February 25, 2014.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, this 3rd day of February, 2014.

CITY OF ALMENA, KANSAS

(SEAL)

Camille Mussman

Camille Mussman, Mayor

ATTEST:

Stacy Whitney

Stacy Whitney, Almena City Clerk

CITY OF ALMENA
415 MAIN ST. P.O. BOX 277
ALMENA, KS 67622
Phone # 785-669-2425 Fax #785-669-2275
OFFICE HOURS: Monday-Friday 8:00 a.m.-1:00 p.m.

February 20, 2013

Dear City of Almena customer:

In an effort to cover the cost of our operating expenses for water, sewer, and trash, the city of Almena has implemented the following rate changes effective March 1, 2014.

The current water rate is $25.00 per month for the first 3,000 gallons used, and an additional $2.00 per 1,000 gallons used over the 3,000 minimum was raised back in August 2011, the new water rate will be $36.00 per month for the first 3,000 gallons used, and an additional $4.00 per 1,000 gallons used over the 3,000 minimum.

The current rate of sewer service of $17.50 was raised back in December 2011, the new sewer rate will be $19.50 per month.

The current rate for trash service of $17.50 and $20.00 per dumpster rental was raised back in May 2007, the new trash rate will be $21.50 per month and $25.00 per dumpster rental.

Sincerely,

Stacy Whitney
City clerk

Proof of Publication

State of Kansas
Norton County

Marcia J. Shelton of lawful age being duly sworn upon oath, stats that he/she is the designaged representative of The Norton Telegram.

THAT said newspaper has been published at least one hundred (100) times a year and has been so published for at least one year prior to the first publication of attached notice.

That said paper has general paid circulation in Norton County, Kansas and is NOT a trade, religious or fraternal publication and has been published in Norton County Kansas.

That ATTACHED was published on the following dates in a regular issue of said newspaper.

1st publication was made on 7th day of February 2014
2nd publication was made on _____ day of _____ 2014
3rd publication was made on _____ day of _____ 2014
4th publication was made on _____ day of _____ 2014
5th publication was made on _____ day of _____ 2014

6 '''	Publication fee	$ 37.80
_____	Original affadavit of 1st Publication	$ _____
_____	Email proof of 1st run	$ _____
_____	Additional original affadavit	$ _____
_____	Additional copies of affadavit	$ _____
_____	Additional tear sheets	$ _____
_____	Copies of complete Newspaper	$ _____

Total Publication Fees $ 37.80

(SIGN) Marcia J. Shelton

Witness my hand this 3rd day of April 2014
SUBSCRIBED and Sworn to before me this 3rd day of April 2014, State of Kansas, County of Norton

Denise Thrailkill

DENISE L. THRAILKILL
Notary Public - State of Kansas
My Appt. Expires NOV 1, 2015



•PUBLIC NOTICE•

ORDINANCE NO. 426

ORDINANCE NUMBER 426

AN ORDINANCE AMENDING SEWER SERVICE CHARGES FOR THE CITY OF ALMENA, KANSAS

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

SECTION ONE

SEWER SERVICE CHARGE

SECTION TWO

SECTION THREE

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, this 3rd day of February 2014.

CITY OF ALMENA, KANSAS

ORDINANCE NO. 427

AN ORDINANCE AMENDING SOLID WASTE COLLECTION AND DISPOSAL CHARGES WITHIN THE CITY OF ALMENA, KANSAS

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

SECTION ONE. Section 15-519 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"FEE SCHEDULE.

(a) For each single-family dwelling or each unit of a multiple-family dwelling containing three (3) or less dwelling units within the City, $21.50 per month will be charged.

(b) For each commercial establishment and each multi-family dwelling containing more than three (3) dwelling units within the City, monthly charges shall be $21.50. For those establishments or dwelling units utilizing a trash dumpster, the charge shall be $25.00 per collection. Solid waste placed for collection, which exceeds the capacity of the dumpster at the time of collection will be assessed an extra pick up charge.

(c) Mobile home courts shall be charged fees established in the same manner and at the same rate as commercial establishments; however, for each mobile home that may be serviced individually, the normal residential charge of $21.50 per month shall apply.

(d) Commercial establishments or multiple-family dwelling units containing more than three (3) dwelling units requesting and receiving collection service outside the corporate limits of the City of Almena using a dumpster shall be charged $25.00 per collection. Commercial establishments and each multi-family dwelling containing more than three (3) dwelling units requesting and receiving collection service outside the City of Almena not utilizing dumpsters shall be charged $21.50 for collection of no more than three (3) trash cans; collection exceeding three (3) trash cans shall be assessed an extra pick up charge. Single family dwellings and each unit of a multi-family dwelling containing three (3) or less dwelling units requesting and receiving collection service outside the corporate limits of the City of Almena, with or without a dumpster, shall pay a charge of $21.50 per month."

SECTION TWO. Ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE. This ordinance shall be published in the official City newspaper and shall take effect on March 1, 2014.

PASSED AND APPROVED this 3rd day of February, 2014.

CITY OF ALMENA, KANSAS

(Seal)

Camille Mussman

Camille Mussman, Mayor

ATTEST:

Stacy Whitney

Stacy Whitney, City Clerk

CITY OF ALMENA
415 MAIN ST. P.O. BOX 277
ALMENA, KS 67622
Phone # 785-669-2425 Fax #785-669-2275
OFFICE HOURS: Monday-Friday 8:00 a.m.-1:00 p.m.

February 20, 2013

Dear City of Almena customer:

In an effort to cover the cost of our operating expenses for water, sewer, and trash, the city of Almena has implemented the following rate changes effective March 1, 2014.

The current water rate is $25.00 per month for the first 3,000 gallons used, and an additional $2.00 per 1,000 gallons used over the 3,000 minimum was raised back in August 2011, the new water rate will be $36.00 per month for the first 3,000 gallons used, and an additional $4.00 per 1,000 gallons used over the 3,000 minimum.

The current rate of sewer service of $17.50 was raised back in December 2011, the new sewer rate will be $19.50 per month.

The current rate for trash service of $17.50 and $20.00 per dumpster rental was raised back in May 2007, the new trash rate will be $21.50 per month and $25.00 per dumpster rental.

Sincerely,

Stacy Whitney
City clerk

Proof of Publication

State of Kansas
Norton County

Marcia J. Shelton of lawful age being duly sworn upon oath, stats that he/she is the designaged representative of The Norton Telegram.

THAT said newspaper has been published at least one hundred (100) times a year and has been so published for at least one year prior to the first publication of attached notice.

That said paper has general paid circulation in Norton County, Kansas and is NOT a trade, religious or fraternal publication and has been published in Norton County Kansas.

That ATTACHED was published on the following dates in a regular issue of said newspaper.

1st publication was made on 7th day of February 2014
2nd publication was made on _____ day of _____ 2014
3rd publication was made on _____ day of _____ 2014
4th publication was made on _____ day of _____ 2014
5th publication was made on _____ day of _____ 2014

10 "	Publication fee	$ 69.30
_____	Original affadavit of 1st Publication	$ _____
_____	Email proof of 1st run	$ _____
_____	Additional original affadavit	$ _____
_____	Additional copies of affadavit	$ _____
_____	Additional tear sheets	$ _____
_____	Copies of complete Newspaper	$ _____

Total Publication Fees $ 69.30

(SIGN) Marcia J Shelton

Witness my hand this 3rd day of April 2014
SUBSCRIBED and Sworn to before me this 3rd day of April 2014, State of Kansas, County of Norton

Denise Thrailkill

DENISE L. THRAILKILL
Notary Public - State of Kansas
My Appt. Expires NOV 1, 2015



•PUBLIC NOTICE•
ORDINANCE NO. 427

Published in The Norton Telegram on Friday, February 7, 2014

ORDINANCE NUMBER 427

AN ORDINANCE AMENDING SOLID WASTE COLLECTION AND DISPOSAL CHARGES WITHIN THE CITY OF ALMENA, KANSAS

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

SECTION ONE. Section 11-303 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"FEE SCHEDULE

(a) For each regular family dwelling unit, including mobile homes, having a single water connection, the fee is $21.00 per month and shall be charged.

(b) For each commercial establishment, including each family dwelling unit within the City, having more than one (1) dwelling unit within the City, regardless of size, the fee is $21.00 per month for the first unit and $10.50 per month for each additional unit, whether the City of Almena has actually provided a container for the additional unit or only pickup charge.

(c) Motor homes and trailer houses, whether occupied or not, shall be charged $21.00 per month. Each apartment house, rooming house, hotel, motel, boarding house, or trailer house shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(d) Commercial establishments, including, but not limited to, business houses, offices, clubs, churches, parsonages, and public buildings shall be charged $21.00 per month for the first unit and $10.50 per month for each additional unit, whether the City of Almena has actually provided a container for the additional unit or only pickup charge.

(e) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(f) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(g) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(h) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(i) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(j) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(k) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(l) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(m) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(n) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(o) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(p) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(q) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(r) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(s) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(t) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(u) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(v) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(w) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(x) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(y) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

(z) Each person, firm or corporation collecting and disposing of waste materials within the City of Almena, other than those collected and disposed of by the City, shall be charged $21.00 per month for the first ten (10) dwelling units and $10.50 per month for each additional unit.

SECTION TWO. This ordinance of the City of Almena, Kansas, is in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE. This ordinance shall be published in the official city newspaper and shall take effect on March 1, 2014.

PASSED AND APPROVED this 3rd day of February, 2014.

CITY OF ALMENA, KANSAS
Camilla Musgrave, Mayor

ATTEST: Stacy Whitman, Almena City Clerk

ORDINANCE NO. 428

AN ORDINANCE AMENDING FINES AND PENALTIES FOR DOGS RUNNING AT LARGE WITHIN THE CITY OF ALMENA, KANSAS, AND IMPOSING IMPOUNDMENT FEES

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

Section One. That Section 2-206 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"RUNNING AT LARGE; FINE.

(a) It shall be unlawful for the owner or harborer of any dog to permit such dog to run at large within the City at any time;

(b) Any dog running at large within the City shall be impounded as set out in Section 2-207 of the Almena City Code;

(c) The fine for the first offense of permitting a dog to run at large shall be $50.00; for a second and subsequent offense, the fine for permitting a dog to run at large shall be $ 100.00 ;

(d) A minimum boarding bill of $21.00 per day shall be imposed upon the owner or harborer of any dog impounded for running at large and the Court shall assess the same as Court costs. The owner or harborer shall, in addition to the foregoing fines and costs, pay the annual registration fees as set forth in Section 2-201 of the City Code."

Section Two. Section 2-207, subsection (f), of the Code of the City of Almena is hereby amended to read as follows:

" (f) The minimum impoundment (pick up) fee shall be $ 50.00 per day."

Section Three. This ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND APPROVED this 7th day of April, 2014.

CITY OF ALMENA, KANSAS

(SEAL)

Camille Mussman

Camille Mussman, Mayor

ATTEST:

Stacy Whitney

Stacy Whitney, Almena City Clerk

Proof of Publication

State of Kansas
Norton County

Marcia J. Shelton of lawful age being duly sworn upon oath, stats that he/she is the designaged representative of The Norton Telegram.

THAT said newspaper has been published at least one hundred (100) times a year and has been so published for at least one year prior to the first publication of attached notice.

That said paper has general paid circulation in Norton County, Kansas and is NOT a trade, religious or fraternal publication and has been published in Norton County Kansas.

That ATTACHED was published on the following dates in a regular issue of said newspaper.

1st publication was made on 11 th day of April 2014
2nd publication was made on _____ day of _____ 2014
3rd publication was made on _____ day of _____ 2014
4th publication was made on _____ day of _____ 2014
5th publication was made on _____ day of _____ 2014

9.0"	Publication fee	$ 56.70
_____	Original affadavit of 1st Publication	$ _____
_____	Email proof of 1st run	$ _____
_____	Additional original affadavit	$ _____
_____	Additional copies of affadavit	$ _____
_____	Additional tear sheets	$ _____
_____	Copies of complete Newspaper	$ _____

Total Publication Fees $ 56.70

(SIGN) Marcia Shelton

Witness my hand this 15th day of April 2014
SUBSCRIBED and Sworn to before me this 15th day of April 2014, State of Kansas, County of Norton

Notary Public

11-27-2015

•PUBLIC NOTICE•
ORDINANCE NO. 428

Published in The Norton Telegram on Friday, April 11, 2014 1(T)

ORDINANCE NUMBER 428

AN ORDINANCE AMENDING FINES AND PENALTIES FOR DOGS RUNNING AT LARGE WITHIN THE CITY OF ALMENA, KANSAS, AND IMPOSING IMPOUNDMENT FEES

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

SECTION ONE. That Section 2-206 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"RUNNING AT LARGE; FINE.

(a) It shall be unlawful for the owner or harborer of any dog to permit such dog to run at large within the City at any time;

(b) Any dog running at large within the City shall be impounded as set out in Section 2-207 of the Almena City Code;

(c) The fine for the first offense of permitting a dog to run at large shall be $50.00; for a second and subsequent offense, the fine for permitting a dog to run at large shall be $100.00;

(d) A minimum boarding bill of $21.00 per day shall be imposed upon the owner or harborer of any dog impounded for running at large and the Court shall assess the same as Court costs. The owner or harborer shall, in addition to the foregoing fines and costs, pay the annual registration fees as set forth in Section 2-201 of the City Code."

SECTION TWO. Section 2-207, subsection (f), of the Code of the City of Almena is hereby amended to read as follows:

(f) The minimum impoundment (pick up) fee shall be $50.00 per day."

SECTION THREE. This ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND APPROVED this 7th day of April, 2014.

CITY OF ALMENA, KANSAS
Camille Mussman, Mayor

(SEAL)
ATTEST: Stacy Whitney, Almena City Clerk

Groomingdales
1001 Vaughan
Almena, KS 67622
785-202-0449

City of Almena,

Due to increased prices in utilities Groomingdales is forced to raise its boarding rates to $20 minimum for the 1st day with an additional $1 per day feed charge. So $21.00 first day minimum + $15 + $1.00 feed = $16.00 per day Fee afterwards. Their is no partial or 1/2 day Fees each day is a Full day Charge. I'm sorry for any inconvenience!

Thank you For Using our Service

Bridgette Ward

2-28-14

ORDINANCE NO. 429

AN ORDINANCE AMENDING THE DEFINITION OF WEED NUISANCES WITHIN THE CITY OF ALMENA, KANSAS

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

Section One. That Section 8-402 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"**DEFINITIONS. WEEDS as used herein, means any of the following:**

(a) Brush and woody vines shall be classified as weeds;

(b) Weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;

(c) Weeds which bear or may bear seeds of a downy or wingy nature;

(d) Weeds which are located in an area which harbors rats, insects, animals, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare; or

(e) Weeds and indigenous grasses on or about residential property which, because of its height, has a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed 8 inches in height."

Section Two. This ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND APPROVED this 2nd day of June, 2014.

CITY OF ALMENA, KANSAS

(SEAL)

Camille Mussman, Mayor

ATTEST:

Stacy Whitney, Almena City Clerk

•PUBLIC NOTICE•

ORDINANCE NO. 429

Published in The Norton Telegram on Friday, June 6, 2014

ORDINANCE NUMBER 429

AN ORDINANCE AMENDING THE DEFINITION OF WEED NUISANCES WITHIN THE CITY OF ALMENA, KANSAS

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

SECTION ONE. That Section 9-402 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"DEFINITIONS. WEEDS as used herein, means any of the following:

(a) Brush and woody vines shall be classified as weeds;

(b) Weeds and indigenous grasses which may attain such large growth as to become, when dry, a fire menace to adjacent improved property;

(c) Weeds which bear or may bear seeds of a noxious or injurious nature;

(d) Weeds which are conducive to attract, shelter, nest, harbor or feed rats, mice, skunks, flies, mosquitoes, chiggers, ticks, insects, reptiles, or any other creature which either may or does constitute a menace to health, public safety or welfare; or

(e) Weeds and indigenous grasses on all improved residential property which, because of its height, has a blighting influence on the neighborhood. Any such weeds and indigenous grasses shall be presumed to be blighting if they exceed 8 inches in height."

SECTION TWO. This ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND APPROVED this 2nd day of June, 2014.

CITY OF ALMENA, KANSAS
Camille Mussman, Mayor

(SEAL)

ATTEST: Sherry Whitney, Almena City Clerk

(Published in *The Norton Telegram* on October 10, 2014)

ORDINANCE NO. 430

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF ALMENA, KANSAS, DECLARING IT NECESSARY TO ACQUIRE CERTAIN EQUIPMENT; AUTHORIZING AND DIRECTING THE ACQUISITION OF SAID EQUIPMENT AND AUTHORIZING THE CITY TO ISSUE ITS GENERAL OBLIGATION BONDS IN THE AMOUNT NECESSARY TO PAY COSTS OF SUCH EQUIPMENT.

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

WHEREAS, pursuant to Article 12, §5 of the Kansas Constitution (the "Home Rule Amendment"), the City is authorized to determine its local affairs and government except when limited or prohibited by an enactment of the state legislature applicable uniformly to all cities of the same class; and

WHEREAS, the governing body of the City finds it necessary to acquire certain equipment to assist in providing City services, particularly a trash hauling truck (the "Equipment"), at an estimated cost of $82,000; and

WHEREAS, no statutory authority exists to limit or prohibit the exercise of the City's authority under the Home Rule Amendment to authorize acquiring the Equipment and the issuance of the City's general obligation bonds to pay such cost.

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

Section 1. Authorization of Acquisition of Equipment. The City is authorized and directed to acquire the Equipment (as defined above) at an estimated cost of $82,000 pursuant to the Home Rule Amendment (as defined above) in accordance with estimates, plans and specifications approved by the governing body of the City.

Section 2. Payment of Equipment Costs. It is hereby further authorized, ordered and directed that the costs of acquiring the Equipment shall be paid in part from (i) the proceeds of a grant from the United States Department of Agriculture/Rural Development in the amount of $35,130, (ii) available funds of the City in the estimated amount of $70 and (iii) the balance of said costs to be paid from the proceeds of the City's general obligation bonds to be issued by the City in an amount which shall not exceed $46,800.

Section 3. It is hereby further authorized, ordered and directed that the governing body shall issue such general obligation bonds of the City, payable over a period of Fifteen (15) years in order to provide the necessary financing for a portion of the costs of acquiring the Equipment, which general obligation bonds shall be payable from the full faith, credit and

resources of the City which shall be pledged to secure the payment of the principal of and the interest on the bonds as the same severally become due and payable. It is anticipated that such general obligation bonds shall be sold to The United States Department of Agriculture acting through the Rural Utilities Service, United States Department of Agriculture, its successors and assigns and shall evidence the City's obligation to repay a like amount to be received from said agency.

Section 4. Effective Date. This Ordinance shall be in force and take effect from and after its adoption and approval by the governing body and publication one time in the official City newspaper.

[Remainder of Page Intentionally Left Blank]

PASSED AND APPROVED by the governing body of the City of Almena, Kansas on October 6, 2014.

CITY OF ALMENA, KANSAS

[seal]

By _____
Camille Mussman, Mayor

ATTEST:

By _____
Stacy Whitney, City Clerk

TWG REF: 437679
Authorizing Ordinance

To ALMENA City

Mailed original to White to be sent

Proof of Publication

State of Kansas, Norton County

Dana M Paxton

of lawful age, being duly sworn upon oath, states that he/she is the designated representative of the Norton Telegram.

That said newspaper has been published at least one hundred (100) times a year and has been so published for at least on year prior to the first publication of the attached notice:

That said paper has a general paid circulation in Norton County, Kansas, and is not a trade, religious or fraternal publication and has been published in Norton County, Kansas.

The attached was published on the following dates in a regular issue of the said newspaper:

First publications was made
on the 10th day of OCTOBER, 2014
Second publication was made
on the ___ day of _____, 2014
Third publication was made
on the ___ day of _____, 2014

Publication fee	$ 91.70
Affidavit, Notary's fees	$
Additional copies	$
TOTAL publication fees	$ 91.70

(Sign) Dana M Paxton

Witness my hand this 7th day of NOVEMBER, 2014

Subscribed and Sworn to before me this 7th day of NOVEMBER, 2014. State of Kansas, County of Norton.

Sonya B. Montgomery

SONYA B. MONTGOMERY
Notary Public - State of Kansas
My Appt. Expires 7-6-16

•PUBLIC NOTICE•
ORDINANCE NO. 430

Published in The Norton Telegram on Friday, October 10, 2014

ORDINANCE NO. 430

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY (ALMENA, KANSAS, DECLARING IT NECESSARY TO ACQUI CERTAIN EQUIPMENT; AUTHORIZING AND DIRECTING TI ACQUISITION OF SAID EQUIPMENT AND AUTHORIZING THE TO ISSUE ITS GENERAL OBLIGATION BONDS IN THE AMO NECESSARY TO PAY COSTS OF SUCH EQUIPMENT.

WHEREAS, the City of Almena, Kansas (the "City") is a duly organi the third class created and existing under the laws of the State of Kans

WHEREAS, pursuant to Article 12, §5 of the Kansas Constitution (the "H Amendment"), the City is authorized to determine its local affairs and go except when limited or prohibited by an enactment of the state legislature a uniformly to all cities of the same class; and

WHEREAS, the governing body of the City finds it necessary to acqui equipment to assist in providing City services, particularly a trash hau (the "Equipment"), at an estimated cost of $82,000; and

WHEREAS, no statutory authority exists to limit or prohibit the exerc City's authority under the Home Rule Amendment to authorize acqu Equipment and the issuance of the City's general obligation bonds to pay s

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BOD CITY OF ALMENA, KANSAS:

Section 1. Authorization of Acquisition of Equipment. The City is a and directed to acquire the Equipment (as defined above) at an estima $82,000 pursuant to the Home Rule Amendment (as defined above) in ac with estimates, plans and specifications approved by the governing body

Section 2. Payment of Equipment Costs. It is hereby further authorize and directed that the costs of acquiring the Equipment shall be paid in (i) the proceeds of a grant from the United States Department of Agricul Development in the amount of $35,130, (ii) available funds of the City in the amount of $70 and (iii) the balance of said costs to be paid from the pr the City's general obligation bonds to be issued by the City in an amo shall not exceed $46,800.

Section 3. It is hereby further authorized, ordered and directed that the body shall issue such general obligation bonds of the City, payable ove of Fifteen (15) years in order to provide the necessary financing for a the costs of acquiring the Equipment, which general obligation bond payable from the full faith, credit and resources of the City which shall b to secure the payment of the principal of and the interest on the bonds as severally become due and payable. It is anticipated that such general bonds shall be sold to The United States Department of Agriculture actin the Rural Utilities Service, United States Department of Agriculture, its su and assigns and shall evidence the City's obligation to repay a like am received from said agency.

Section 4. Effective Date. This Ordinance shall be in force and take e and after its adoption and approval by the governing body and public time in the official City newspaper.

PASSED AND APPROVED by the governing body of the City of Almen on October 6, 2014.

CITY OF ALMENA

(seal)

By /s/Camille Mussm

ATTEST:
By /s/Stacy Whitney, City Clerk

•PUBLIC NOTICE•

ORDINANCE NO. 430

Published in The Norton Telegram on Friday, October 10, 2014 1(T)

ORDINANCE NO. 430

AN ORDINANCE OF THE GOVERNING BODY OF THE CITY OF ALMENA, KANSAS, DECLARING IT NECESSARY TO ACQUIRE CERTAIN EQUIPMENT; AUTHORIZING AND DIRECTING THE ACQUISITION OF SAID EQUIPMENT AND AUTHORIZING THE CITY TO ISSUE ITS GENERAL OBLIGATION BONDS IN THE AMOUNT NECESSARY TO PAY COSTS OF SUCH EQUIPMENT.

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

WHEREAS, pursuant to Article 12, §5 of the Kansas Constitution (the "Home Rule Amendment"), the City is authorized to determine its local affairs and government except when limited or prohibited by an enactment of the state legislature applicable uniformly to all cities of the same class; and

WHEREAS, the governing body of the City finds it necessary to acquire certain equipment to assist in providing City services, particularly a trash hauling truck (the "Equipment"), at an estimated cost of $82,000; and

WHEREAS, no statutory authority exists to limit or prohibit the exercise of the City's authority under the Home Rule Amendment to authorize acquiring the Equipment and the issuance of the City's general obligation bonds to pay such cost.

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

Section 1. Authorization of Acquisition of Equipment. The City is authorized and directed to acquire the Equipment (as defined above) at an estimated cost of $82,000 pursuant to the Home Rule Amendment (as defined above) in accordance with estimates, plans and specifications approved by the governing body of the City.

Section 2. Payment of Equipment Costs. It is hereby further authorized, ordered and directed that the costs of acquiring the Equipment shall be paid in part from (i) the proceeds of a grant from the United States Department of Agriculture/Rural Development in the amount of $35,130, (ii) available funds of the City in the estimated amount of $70 and (iii) the balance of said costs to be paid from the proceeds of the City's general obligation bonds to be issued by the City in an amount which shall not exceed $46,800.

Section 3. It is hereby further authorized, ordered and directed that the governing body shall issue such general obligation bonds of the City, payable over a period of Fifteen (15) years in order to provide the necessary financing for a portion of the costs of acquiring the Equipment, which general obligation bonds shall be payable from the full faith, credit and resources of the City which shall be pledged to secure the payment of the principal of and the interest on the bonds as the same severally become due and payable. It is anticipated that such general obligation bonds shall be sold to The United States Department of Agriculture acting through the Rural Utilities Service, United States Department of Agriculture, its successors and assigns and shall evidence the City's obligation to repay a like amount to be received from said agency.

Section 4. Effective Date. This Ordinance shall be in force and take effect from and after its adoption and approval by the governing body and publication one time in the official City newspaper.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas on October 6, 2014.

CITY OF ALMENA, KANSAS

(seal)

By /s/Camille Mussman, Mayor

ATTEST:
By /s/Stacy Whitney, City Clerk

ORDINANCE NO. 431

AN ORDINANCE APPROVING THE INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF NORTON AND THE CITY OF ALMENA, KANSAS, FOR THE JOINT ASSISTANCE ON CERTAIN EMERGENCY WORK PROJECTS

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

That the City of Almena, Norton County, Kansas, a municipality, hereinafter referred to as "City" will approve the entering of an Interlocal Cooperation Agreement with the City of Norton, Norton County, Kansas, for the purposes of permitting the City of Almena and the City of Norton to jointly cooperate in the operation of certain emergency construction and labor projects regarding water and sewer.

WHEREAS, the City is a local governmental unit and is a public agency within the meaning of K.S.A. 12-2903 and amendments thereto. By virtue of the provisions of K.S.A. 12-2901, et al., said public agency is authorized to exercise any power or powers, privileges or authority exercised or capable of being exercised by a public agency of this state including public improvements, public utilities, park and re creational programs and facilities, and building facilities.

WHEREAS, the City Council for the City of Almena, Kansas, by this ordinance approves the joint and cooperative action with the City of Norton, Kansas, and by this Ordinance provides authorization for the execution of the interlocal agreement.

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

1. That the City approves the entering of the interlocal agreement for the purposes of jointly cooperating in the operation of emergency construction and labor projects regarding water and sewer; and

2. That the exact terms and conditions of said agreement are fully set forth in the Interlocal Agreement.

This ordinance shall be effective upon publication in the official City newspaper.

PASSED AND ADOPTED by the governing body of the City of Almena, Kansas, this 1 day of December, 2014.

(SEAL)

Camille Mussman, Mayor

ATTEST:

Stacy Whitney, City Clerk

Proof of Publication

State of Kansas, Norton County

Dana M. Paxton

of lawful age, being duly sworn upon oath, states that he/she is the designated representative of the Norton Telegram.

That said newspaper has been published at least one hundred (100) times a year and has been so published for at least on year prior to the first publication of the attached notice:

That said paper has a general paid circulation in Norton County, Kansas, and is not a trade, religious or fraternal publication and has been published in Norton County, Kansas.

The attached was published on the following dates in a regular issue of the said newspaper:

First publications was made
on the 9th day of JANUARY, 2015
Second publication was made
on the ___ day of _____, 2015
Third publication was made
on the ___ day of _____, 2015

Publication fee	$ 58.95
Affidavit, Notary's fees	$
Additional copies	$
TOTAL publication fees	$ 58.95

(Sign) Dana M Paxton

Witness my hand this 9th day of JANUARY, 2015

Subscribed and Sworn to before me this 9th day of JANUARY, 2015. State of Kansas, County of Norton.

Sonya B. Montgomery

SONYA B. MONTGOMERY
Notary Public - State of Kansas
My Appt. Expires 7-6-16

•PUBLIC NOTICE•

ORDINANCE NO. 431

Published in The Norton Telegram on Friday, January 9, 2015 1(T)

ORDINANCE NUMBER 431

AN ORDINANCE APPROVING THE INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF NORTON AND THE CITY OF ALMENA, KANSAS, FOR THE JOINT ASSISTANCE ON CERTAIN EMERGENCY WORK PROJECTS

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

That the City of Almena, Norton County, Kansas, a municipality, hereinafter referred to as "City" will approve the entering of an Interlocal Cooperation Agreement with the City of Norton, Norton County, Kansas, for the purposes of permitting the City of Almena and the City of Norton to jointly cooperate in the operation of certain emergency construction and labor projects regarding the water and sewer.

WHEREAS, the City is a local governmental unit and is a public agency within the meaning of K.S.A. 12-2903 and amendments thereto. By virtue of the provisions of K.S.A. 12-2901, et al., said public agency is authorized to exercise any power or powers, privileges or authority exercised or capable of being exercised by a public agency of this state including public improvements, public utilities, park and recreational programs and facilities, and building facilities.

WHEREAS, the City Council for the City of Almena, Kansas, by this ordinance approves the joint and cooperative action with the City of Norton, Kansas, and by this Ordinance provides authorization for the execution of the interlocal agreement.

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

1. That the City approves the entering of the interlocal agreement for the purposes of jointly cooperating in the operation of emergency construction and labor projects regarding water and sewer, and
2. That the exact terms and conditions of said agreement are fully set forth in the Interlocal Agreement.

This ordinance shall be effective upon publication in the official City newspaper.

PASSED AND ADOPTED by the governing body of the City of Almena, Kansas, this 1 day of December, 2014.

(SEAL)

Camille Mussman, Mayor

ATTEST: Stacy Whitney, City Clerk

(Published in *The Norton County Telegram* on February 13, 2015)

ORDINANCE NO. 432

AN ORDINANCE OF THE CITY OF ALMENA, KANSAS, AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2015, IN THE AGGREGATE PRINCIPAL AMOUNT OF $46,800, FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING A TRASH HAULING TRUCK IN THE CITY; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the governing body of the City of Almena (the "City"), as heretofore by Ordinance No. 430, (i) determined the acquisition of trash hauling truck (the "Equipment") to be necessary and advisable and in the best interest of the residents of the City and (ii) declared its intention to issue general obligation bonds of the City in order to pay a portion of the costs thereof, pursuant to the Article 12, §5 of the Kansas Constitution (the "Home Rule Amendment"), which general obligation bonds will be issued to evidence the City's obligation to repay certain Federal Aid from the United States of America acting through Rural Development, United States Department of Agriculture, its successors and assigns (the "Federal Agency); and

WHEREAS, the governing body of the City hereby ratifies the acquisition of the Equipment in part from a grant in the amount of $35,130, city-at-large funds and the balance from the proceeds of general obligation bonds of the City, which general obligation bonds will evidence the obligation of the City to the Federal Agency, to repay Federal Aid in amount not to exceed $46,800; and

WHEREAS, the governing body determines it necessary and appropriate to authorize and provide for the issuance of such general obligation bonds for the purpose of providing the necessary funds for the purposes described; and to specify the terms, details, form and conditions of the general obligation bonds.

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

SECTION 1. Authorization of the Bonds. General Obligation Bonds, Series 2015, of the City in the total principal amount of Forty-Six Thousand Eight Hundred Dollars ($46,800) (the "Bonds") are authorized to be issued for the purpose of providing funds to pay a portion of the costs of acquiring the Equipment described above (the "Equipment"). The Bonds shall be issued pursuant to the Home Rule Amendment (as described above) in the manner and in conformance with K.S.A. 10-101 *et seq.* (the "Bond Act").

The City shall sell and the United States of America acting through Rural Development, United States Department of Agriculture, its successor and assigns, shall purchase the Bonds for a price equal to the principal amount of the Bonds, plus accrued interest from the dated date of the Bonds to the date the Bonds are issued, if any. The Bonds shall evidence the City's obligation to repay the Federal Aid to the Federal Agency.

SECTION 2. Security for the Bonds. The Bonds are general obligations of the City. The full faith, credit and resources of the City are pledged to secure the payment of the principal of and the interest on the Bonds as the same severally become due and payable. The governing body of the City covenants that it shall annually make provision for the payment of the principal of and the interest on the Bonds as and when the same become due and payable by levying and collecting the necessary ad valorem taxes upon all of the taxable tangible property located within the territorial limits of the City, in such amounts as are necessary to provide for such annual payment.

SECTION 3. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution hereinafter adopted by the governing body of the City (the "Resolution").

SECTION 4. Designation of Paying Agent and Bond Registrar; Issuer/Agent Agreement. Pursuant to K.S.A. 10-620 *et seq.*, the governing body elects to have the provisions of the Kansas Bond Registration Law apply to the Bonds and designates and appoints the Treasurer of the State of Kansas, Topeka, Kansas, as the Bond Registrar and Paying Agent for the bonds (the "Paying Agent"). The terms, conditions and provisions under which the Paying Agent will perform its duties are set forth in an Agreement between Issuer and Agent, dated as of February 24, 2015 (the "Issuer/Agent Agreement"). The form and text of the Issuer/Agent Agreement are approved and accepted by the governing body, and all of the covenants, duties and responsibilities therein to be performed by and on behalf of the City are hereby declared to be the covenants, duties and responsibilities of the City as though fully set forth at this place. The Mayor and City Clerk are authorized to execute and deliver the Issuer/Agent Agreement for and on behalf of the City. The Issuer/Agent Agreement is incorporated in and made a part of this Ordinance as though fully set forth at this place; provided however, the inclusion of the Issuer/Agent Agreement in the publication of this Ordinance shall not be required.

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

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

fees and expenses of the Paying Agent. The proceeds derived from said taxes shall be deposited in the Series 2015 Principal and Interest Account as defined in the Resolution.

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

SECTION 6. Tax Covenants. The governing body of the City covenants that so long as any of the Bonds remain outstanding and unpaid, no use will be made of the proceeds thereof which, if such use had been reasonably expected on the date of issuance and delivery, would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 103(b)(2) of the Internal Revenue Code of 1986, as amended (the "Code"); and that it will comply with all applicable requirements of Section 148 of the Code and the Rules and Regulations of the United States Treasury Department thereunder for so long as any of the Bonds remain outstanding and unpaid. The governing body further covenants to take all such action in its power as may be required from time to time in order to ensure the continued tax-exempt status of the interest on the Bonds, and to comply with all provisions of the Code, as the same be amended, and any applicable Rules and Regulations of the United States Treasury Department thereunder.

SECTION 7. Designation as Qualified Tax-Exempt Obligations. The governing body of the City designates the Bonds as "qualified tax-exempt obligations" as defined in Section 265(b)(3) of the Code.

SECTION 8. Further Authority. The City and its officers, agents and employees are authorized and directed to, take such actions, expend such moneys and execute such other documents, certificates and instruments as may be necessary or desirable in order to carry out and comply with this Ordinance and to give effect to the transactions contemplated hereby, including final certificates required to be included in the official Transcript of Proceedings relating to the authorization and issuance of the Bonds, all without further action by the governing body.

SECTION 9. Severability. If any provision of this Ordinance shall be held or deemed to be invalid, inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatsoever.

SECTION 10. Governing Law. This Ordinance and the Bonds shall be governed exclusively by and construed in accordance with the applicable laws of the State of Kansas.

SECTION 11. Effective Date. This Ordinance shall be in force and take effect from and after its adoption and approval and its publication one time in the City's official newspaper.

ADOPTED AND APPROVED by the governing body of the City of Almena, Kansas on February 10, 2015.

CITY OF ALMENA, KANSAS

[seal]

By /s/Camille Mussman
Camille Mussman, Mayor

ATTEST:

By /s/Stacy Whitney
Stacy Whitney, City Clerk

•PUBLIC NOTICE•

ORDINANCE NO. 432

Published in The Norton Telegram on Friday, February 13, 2015 1(T)

ORDINANCE NO. 432

AN ORDINANCE OF THE CITY OF ALMENA, KANSAS, AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2015, IN THE AGGREGATE PRINCIPAL AMOUNT OF $46,800, FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING A TRASH HAULING TRUCK IN THE CITY; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

WHEREAS, the governing body of the City of Almena (the "City"), as heretofore by Ordinance No. 430, (i) determined the acquisition of trash hauling truck (the "Equipment") to be necessary and advisable and in the best interest of the residents of the City and (ii) declared its intention to issue general obligation bonds of the City in order to pay a portion of the costs thereof, pursuant to the Article 12, §5 of the Kansas Constitution (the "Home Rule Amendment"), which general obligation bonds will be issued to evidence the City's obligation to repay certain Federal Aid from the United States of America acting through Rural Development, United States Department of Agriculture, its successors and assigns (the "Federal Agency); and

WHEREAS, the governing body of the City hereby ratifies the acquisition of the Equipment in part from a grant in the amount of $35,130, city-at-large funds and the balance from the proceeds of general obligation bonds of the City, which general obligation bonds will evidence the obligation of the City to the Federal Agency, to repay Federal Aid in amount not to exceed $46,800; and

WHEREAS, the governing body determines it necessary and appropriate to authorize and provide for the issuance of such general obligation bonds for the purpose of providing the necessary funds for the purposes described; and to specify the terms, details, form and conditions of the general obligation bonds.

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

SECTION 1. Authorization of the Bonds. General Obligation Bonds, Series 2015, of the City in the total principal amount of Forty-Six Thousand Eight Hundred Dollars ($46,800) (the "Bonds") are authorized to be issued for the purpose of providing funds to pay a portion of the costs of acquiring the Equipment described above (the "Equipment"). The Bonds shall be issued pursuant to the Home Rule Amendment (as described above) in the manner and in conformance with K.S.A. 10-101 et seq. (the "Bond Act").

The City shall sell and the United States of America acting through Rural Development, United States Department of Agriculture, its successor and assigns, shall purchase the Bonds for a price equal to the principal amount of the Bonds, plus accrued interest from the dated date of the Bonds to the date the Bonds are issued, if any. The Bonds shall evidence the City's obligation to repay the Federal Aid to the Federal Agency.

SECTION 2. Security for the Bonds. The Bonds are general obligations of the City. The full faith, credit and resources of the City are pledged to secure the payment of the principal of and the interest on the Bonds as the same severally become due and payable. The governing body of the City covenants that it shall annually make provision for the payment of the principal of and the interest on the Bonds as and when the same become due and payable by levying and collecting the necessary ad valorem taxes upon all of the taxable tangible property located within the territorial limits of the City, in such amounts as are necessary to provide for such annual payment.

SECTION 3. Terms, Details and Conditions of the Bonds. The Bonds shall be dated and bear interest, shall mature and be payable at such times, shall be in such forms, shall be subject to redemption and payment prior to maturity thereof, and shall be issued and delivered in the manner prescribed and subject to the provisions, covenants and agreements set forth in a resolution hereinafter adopted by the governing body of the City (the "Resolution").

Agent Agreement. Pursuant to K.S.A. 10-620 et seq., the governing elects to have the provisions of the Kansas Bond Registration Law ap the Bonds and designates and appoints the Treasurer of the State of Ka Topeka, Kansas, as the Bond Registrar and Paying Agent for the bond "Paying Agent"). The terms, conditions and provisions under which the P Agent will perform its duties are set forth in an Agreement between Issue Agent, dated as of February 24, 2015 (the "Issuer/Agent Agreement") form and text of the Issuer/Agent Agreement are approved and acc by the governing body, and all of the covenants, duties and responsibi therein to be performed by and on behalf of the City are hereby declared the covenants, duties and responsibilities of the City as though fully se at this place. The Mayor and City Clerk are authorized to execute and d the Issuer/Agent Agreement for and on behalf of the City. The Issuer/ Agreement is incorporated in and made a part of this Ordinance as th fully set forth at this place; provided however, the inclusion of the Issuer/ Agreement in the publication of this Ordinance shall not be required.

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

The taxes above referred to shall be extended upon the tax rolls in ea the several years, respectively, and shall be levied and collected at the time and in the same manner as the general ad valorem taxes of the Ci levied and collected, shall be used solely for the payment of the princi and interest on the Bonds as and when the same become due and the and expenses of the Paying Agent. The proceeds derived from said shall be deposited in the Series 2015 Principal and Interest Account as de in the Resolution.

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

SECTION 6. Tax Covenants. The governing body of the City cove that so long as any of the Bonds remain outstanding and unpaid, no us be made of the proceeds thereof which, if such use had been reaso expected on the date of issuance and delivery, would have caused the B to be "arbitrage bonds" within the meaning of Section 103(b)(2) of the Int Revenue Code of 1986, as amended (the "Code"); and that it will compl all applicable requirements of Section 148 of the Code and the Rules Regulations of the United States Treasury Department thereunder for so as any of the Bonds remain outstanding and unpaid. The governing further covenants to take all such action in its power as may be required time to time in order to ensure the continued tax-exempt status of the int on the Bonds, and to comply with all provisions of the Code, as the sam amended, and any applicable Rules and Regulations of the United S Treasury Department thereunder.

SECTION 7. Designation as Qualified Tax-Exempt Obligations. governing body of the City designates the Bonds as "qualified tax-ex obligations" as defined in Section 265(b)(3) of the Code.

SECTION 8. Further Authority. The City and its officers, agents employees are authorized and directed to, take such actions, expend moneys and execute such other documents, certificates and instrum as may be necessary or desirable in order to carry out and comply wit Ordinance and to give effect to the transactions contemplated hereby, incl final certificates required to be included in the official Transcript of Proceed relating to the authorization and issuance of the Bonds, all without fu action by the governing body.

SECTION 9. Severability. If any provision of this Ordinance shall be or deemed to be invalid, inoperative or unenforceable as applied i particular case in any jurisdiction or jurisdictions or in all jurisdictions, o cases because it conflicts with any other provision or provisions hereof c constitution or statute or rule of public policy, or for any other reason, circumstances shall not have the effect of rendering the provision in que inoperative or unenforceable in any other case or circumstance, or of rend any other provision or provisions herein contained invalid, inoperati unenforceable to any extent whatsoever.

SECTION 10. Governing Law. This Ordinance and the Bonds sh governed exclusively by and construed in accordance with the appli laws of the State of Kansas.

SECTION 11. Effective Date. This Ordinance shall be in force and effect from and after its adoption and approval and its publication one ti the City's official newspaper.

ADOPTED AND APPROVED by the governing body of the City of Alm Kansas on February 10, 2015.

CITY OF ALMENA, KA

[seal]

By /s/Camille Muss
Camille Mussman, M

ATTEST:
By /s/Stacy Whitney

ORDINANCE NO. 433

AN ORDINANCE APPROVING THE COOPERATIVE SERVICES AGREEMENT BETWEEN THE CITY OF ALMENA, KANSAS, FOR THE JOINT ASSISTANCE ON CERTAIN EMERGENCY WORK PROJECTS

WHEREAS, the City of Almena, Norton County, Kansas, a municipality, hereinafter referred to as "City" will approve the entering of a cooperative services agreement with the City of Norton, Norton County, Kansas, for the purposes of permitting the City of Almena and the City of Norton to jointly cooperate in the operation of certain emergency construction and labor projects regarding water and sewer.

WHEREAS, the City is a local governmental unit and is a public agency within the meaning of K.S.A. 12-2903 and amendments thereto, By virtue of the provisions of K.S.A. 12-2908, said public agency is authorized to exercise any power or powers, privileges or authority exercised or capable of being exercised by a public agency of this state including jointly providing emergency services for construction and labor projects regarding sewer and water within the cities of Almena and Norton.

WHEREAS, the City Council for the City of Almena, Kansas by this ordinance approves the joint and cooperative action with the City of Norton, Kansas, and by this Ordinance provides authorization for the execution of the Cooperative Services Agreement.

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

Section One. That the City approves the entering of the Cooperative Services Agreement for the purposes of jointly cooperating in the operation of emergency construction and labor projects regarding water and sewer; and

Section Two. That the exact terms and conditions of said agreement are fully set forth in the Cooperative Services Agreement.

Section Three. That Ordinance 431 of the City of Almena is hereby repealed.

Section Four. This ordinance shall be effective upon its adoption.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, this 6th day of April, 2015.

CITY OF ALMENA, KANSAS

(SEAL)

ATTEST:

Camille Mussman, Mayor

Stacy Whitney, Almena City Clerk

AGREEMENT BETWEEN THE CITY OF NORTON, KANSAS AND THE CITY OF ALMENA, KANSAS FOR THE JOINT ASSISTANCE ON CERTAIN EMERGENCY WORK PROJECTS

NOW on this 6th day of April, 2015, the City of Norton, Norton County, Kansas, a municipality, with governing offices located at 301 E. Washington, P.O. Box 150, Norton, Kansas 67654, hereinafter referred to as "Norton" and the City of Almena, Norton County, Kansas, with governing offices located at 415 Main Street, P.O. Box 277, Almena, Kansas 67622, a governmental entity, hereinafter referred to as "Almena," enter into this Contract and Agreement pursuant to the authority vested in K.S.A. 12-101 and K.S.A. 12-2908 for the purposes of permitting the City of Norton and the City of Almena to cooperate and make efficient use of joint crews for purposes of certain emergency construction and labor projects by the City of Almena.

WHEREAS, Norton and Almena are municipalities within the meaning of K.S.A. 12-101 and K.S.A. 12-2908, and amendments thereto. By virtue of the provisions of K.S.A. 12-101, said municipalities are authorized to make contracts and do all acts in relation to the property and concerns of the City as is necessary to exercise its corporate or administrative powers. That by virtue of K.S.A. 12-2908, all municipalities may contract with any other municipalities to perform any governmental service, activity or undertaking which each contracting municipality is authorized by law to perform. That this contract will not be considered a Mutual Aid Agreement.

WHEREAS, the City Council for the City of Norton, Kansas, and the City Council of the City of Almena, Kansas by appropriate ordinance or resolution, approve this Agreement and contract for the purposes jointly providing emergency services for the performance of construction and labor projects regarding sewer and water within the City of Norton, Kansas and the City of Almena, Kansas.

NOW, THEREFORE, IN CONSIDERATION OF THE BENEFITS TO BE DERIVED THEREFROM, IT IS BY THE PARTIES AGREED:

1. That Norton and Almena enter into this agreement for the purposes of jointly cooperating in the operation certain emergency construction and labor projects regarding sewer and water, within the City of Norton and the City of Almena, Kansas.

2. That this is a municipal contract between Cities, and that each City will agree to provide labor crew and necessary equipment to the other when called upon by the other to assist in certain emergency construction, maintenance and labor projects as to sewer and water, within the either Norton or Almena cities. That this Agreement will not include any assistance or work for contractors in either City, and only includes the work to be done or performed by municipal employees. It is understood and agreed that this agreement will be for the sole purpose of assistance in projects during emergency or non-standard times when delays could cause harm to the project or the community. That it is understood and agreed that either City will provide the aid so requested, unless the City Public Works Crew Supervisor or other City Supervisor, City

Administrator or Mayor determines that the City crews are necessary to remain on projects that need timely and necessary work within their respective City.

3. When determined that said crew and equipment is reasonably necessary from either city to the other, and so approved by the appropriate supervisor, such crew and equipment shall be dispatched to the other city to assist on such projects. Such assistance will require a supervisor from the giving City to work with the Supervisor from the receiving City to adequately direct joint crew as to the work to be performed, and which such equipment may be required.

4. Such crew will remain on such project till released by the agreement of the supervisor's for both cities. If an emergency or conflict arises, the giving City supervisor may recall the crew to their home City.

5. As payment for such services, the receiving City shall reimburse the giving City for the city crews at the cost of each individual's payroll costs, plus 30% for benefits, for all hours spent on said project. Such reimbursement shall include the hourly charges for the use of any City equipment, at the City's established rates for equipment use. If the giving City incurs costs associated with materials or testing, such costs shall be reimbursed by the receiving City. The receiving City will also reimburse the giving City for travel costs at the IRS mileage rate. Such sums will be submitted by the respective Cities under a separate billing showing Payroll, Equipment, Materials and Mileage. Reimbursement shall be made within thirty days of such billing.

6. Norton and Almena shall indemnify and hold harmless each other, their officers, agents, and employees, from any and all claims, actions, suits, liability, loss, costs, expenses and damage of any nature whatsoever, by reason of or arising out of any action or omission of their respective employees, officers and agents, in the execution and administration of this Agreement. The Cities agree that they will reimburse the other City for any damages as to the giving City equipment, due to the actions of any of the Receiving City's employees, officers or agents.

7. Norton and Almena shall obtain and keep in full force and effect liability insurance protecting itself and its employees, officers and agents, and the other party, its employees, officers and agents, for claims of any persons for injuries to life, person or property by reason of anything done or permitted to be done or suffered or admitted to be done by the parties in the administration of the project.

8. This Agreement shall be for an indefinite duration. Each party shall have the right to terminate this Agreement, with or without cause, upon sixty days advance written notice to the other party. Such notice shall be sufficient if it is in writing and deposited in the United States mail, certified mail, return receipt requested, with postage fully prepaid and addressed to the parties at their last-known addresses shown above.

This Agreement shall be effective upon signing by the respective parties to this Agreement.

CITY OF NORTON, KANSAS

By: /s/ David N Corns
David N. Corns, Mayor

Attest:

/s/ Darla R. Ellis
Darla R. Ellis, City Clerk

(SEAL)

CITY OF ALMENA, KANSAS

By: /s/ Camille Mussman
Camille Mussman, Mayor

Attest:

/s/ Stacy Whitney
Stacy Whitney, City Clerk

(SEAL)

ORDINANCE NO. 434

AN ORDINANCE AMENDING AND RE-ESTABLISHING CURFEW HOURS FOR CERTAIN MINORS IN THE CITY OF ALMENA, KANSAS

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

Section One. That the Code of the City of Almena, Kansas, is hereby amended by an Article 3 to Chapter XI of the City Code, which shall pertain to a curfew for minors in the City, and shall read as follows:

"11-301. CURFEW HOURS. It shall be unlawful for any minor under the age of 18 years to be upon the grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places and including the driving of cars or being passengers thereof, except as hereinafter provided, between the hours of 12:00 midnight and 5:00 a.m.

11-302. EXCEPTIONS. The provisions of this Article shall not apply to a minor accompanied by his or her parent, guardian or other adult person having the care and custody of the minor or where the minor is in an emergency herein or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.

11-303. CARE AND CUSTODY. It shall be unlawful for any parent, guardian or other adult person having the care and custody of a minor under the age of 18 years to permit the minor to be upon public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 12:00 midnight and 5:00 a.m."

Section Two. That Ordinance 366 and Code Sections 11-202 and 11-203 of the City of Almena are hereby repealed.

Section Three. This ordinance shall take effect from and after its adoption by the governing body of the City of Almena, Kansas, and its publication in the official City newspaper.

PASSED AND APPROVED this 5th day of October, 2015.

CITY OF ALMENA, KANSAS

(SEAL)

Clay Madden, Mayor

ATTEST:

Stacy Whitney, Almena City Clerk

ORDINANCE NO. 436

AN ORDINANCE PROHIBITING THE PICKETING OF DOGS WITHIN THE CITY OF ALMENA, KANSAS

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

Section 1: That Article 2 of Chapter II pertaining to Dogs shall be amended to include the following section:

2-211 PICKETING A DOG. (a) It shall be unlawful for any person to picket a dog for more than two continuous hour .

(b) As used in this section, the term picket shall mean to fasten a dog by chain, rope, leash, tether, collaring device (or other attachments or assemblies thereto) to a stake, peg, picket, pole, tree, fence or other structure.

(c) For the purpose of picketing a dog, a chain, leash, rope or tether shall be at least ten feet in length.

(d) A chain, leash, rope, collaring device, tether or any assembly or attachments thereto used to picket a dog shall not weigh more than one-eighth of the animal's body weight, or, due to weight, inhibit the free movement of the animal within the area picketed.

(e) Dogs shall be picketed in such a manner as to prevent injury, strangulation or entanglement on fences, trees or other manmade or natural obstacles.

(f) Violations of this section shall be punished in accordance with the City's General Penalty.

Section 2: This ordinance shall take effect from and after the date of its publication in the official city newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Almena, Kansas, this 7 day of June, 2017.

Tracy Stutsman

Tracy Stutsman, Mayor

Attest:

Stacy Whitney

Stacy Whitney, City Clerk

ORDINANCE NO. 437

AN ORDINANCE REGULATING STORAGE / SHIPPING CONTAINERS AND AMENDING BUILDING REGULATIONS WITHIN THE CITY OF ALMENA, KANSAS

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

Section 1: That of Chapter IV pertaining to Building and Construction Regulations shall be amended to include the following section:

Article 7 STORAGE/SHIPPING CONTAINERS. The regulation of Storage Units/Shipping containers shall be controlled and shall conform to the regulations prescribed in this section:

a. Storage/shipping container means a unit originally or specifically designed or used to store goods or merchandise during shipping or hauling by container ships, rail, or other types of transportation.
b. For purposes of this section, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles and similar prefabricated items and structures originally built for purposes other than the storage of goods and material, are not accessory storage buildings.
c. Except as otherwise provided in this section, at no time shall any temporary storage/shipping containers be placed as a permanent use on a parcel used as a residence.
d. Temporary Use: Storage/shipping containers shall be allowed as a temporary use within the City. Temporary uses shall be allowed in the following instances:
    1. At a construction site for the duration of the project, with the containers to be removed within 60 days of the completion of the project;
    2. At a natural disaster recovery or clean-up project;
    3. For short-term storage of goods of business enterprises located within the City;
    4. All temporary containers must be setback at least ten (10) feet from any street, alley, or sidewalk;
    5. No vertical stacking and/or stacking of material on top of the storage container is allowed;
    6. Storage/shipping containers shall be allowed as a temporary use within the city upon a residential property for a period not to exceed ten (10) days. Such units shall only be for the use of persons utilizing the units as PODS, (Portable on Demand Storage) for moving and/or temporary storage. A temporary building permit will be required for the container to be used for a time period not to exceed ten (10) days, when using as a moving or temporary storage container. Unless a permit has been approved by the governing body, at no time shall any container be placed as a permanent use within the City.

e. Storage/shipping containers shall be allowed as a permanent use within the City only under the following conditions:
    1. Containers shall be allowed as an accessory use only when located upon premises used as a business or residence. As used in this section, an "accessory use" or "accessory building" is a use or building or portion of the principal building customarily incident to and located on the same lot with another use or building, including private garages, private storage building or private shop.
    2. All signage on the container shall be removed and the container shall be painted an earth tone color or a color of siding material compatible with the surrounding environment or adjacent structures. The painting or siding shall be completed within 60 days of the placement of the container;
    3. The container shall be safe, structurally sound, in good repair and be placed on a stable surface. Any container that becomes unsafe, unstable or dangerous, as determined by the City, shall be removed or repaired immediately by the property owner; All permanent use containers shall be secured and /or tied down to a stable surface.
    4. Containers shall not be stored in a manner that impedes access to public rights-of-way, public utilities, drainage easements, adjacent structures or buildings;
    5. Materials stored in the container shall only include items normally associated with the business use of the property;
    6. Containers shall be placed in conformance with the required side yard, rear yard and front yard setbacks. At no time, though, shall a container be allowed to be placed between the main structure and the public street;
    7. Containers shall be set back a minimum of 2 feet when abutting any property that is as a residence. A property shall not be considered as abutting if it is separated by a street or alley;
    8. Stacking of containers is prohibited. No containers may be utilized as rental units or be leased to anyone other than the property owner or property lease of the existing on-site business enterprise where the container is placed;
    9. Containers shall not be connected to utility services, with the exception of electricity, nor shall any other utility service be utilized within a container;
    10. All storage/shipping containers are subject to inspection of contents to ensure adherence to the ordinances as set forth.

f. A building permit is required for any containers being set or put in place for more than ten (10) days at any location. Permit approval must be completed prior to the placement of a container. A limit of one permit per calendar year shall be granted for a maximum of 60 days, with one 60-day extension possible at the discretion of the City;

g. Failure of the property owner to abide by the regulations set forth will be punishable by a fine of $25.00 per day, for which the container is allowed to be located on the specific property. A separate offense shall be deemed committed on each day the violation is allowed to exist.

Section 2: This ordinance shall take effect from and after the date of its publication in the official city newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Almena, Kansas, this 7 day of June, 2017.

Tracy Stutsman, Mayor

Attest:

Stacy Whitney, City Clerk

ORDINANCE NO. 438

AN ORDINANCE CONCERNING HOUSE NUMBERING AND STREET NUMBER CHANGES WITHIN THE CITY OF ALMENA, KANSAS

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

Section 1. NUMBER REQUIRED. All houses and business premises within the corporate limits of the City shall be numbered.

Section 2. SIZE AND PLACING OF NUMBERS. All numbers shall be in figures not less than three and one-half (3 1/2) inches in height, in contrasting colors and shall be conspicuously placed on, above or by the side of the front door of such building and shall be plainly visible and legible from the street fronting the property. Numbering in script shall be allowed only when numbering in figures is also present in accordance with this Section. Numbering of the curb in front of the building shall not constitute compliance.

Section 3. CITY CLERK AUTHORIZED TO ASSIGN NUMBERS. In case of doubt, or where a question arises as to the proper number to be assigned to any lot or building, the City Clerk shall decide the questions and fix the number of such lot or building.

Section 4. EFFECTIVE DATE OF REQUIREMENTS. All occupants and owners of buildings in the City are hereby required to number, or cause to be numbered, their buildings respectively occupied or owned by them within one hundred eighty (180) days of publication. Any time new buildings are erected, they shall be numbered in compliance with this ordinance at the time of occupancy. City staff shall provide public information and notice to residents concerning the requirements of this ordinance as is practical and prudent.

Section 5. PROCEDURES TO CHANGE STREET ADDRESSES. All persons desiring to change the number previously assigned to a structure shall comply with the following procedures:

1. A request for street number changes must be submitted to the City Clerk and request the new number, which shall not duplicate any other number on the street and shall be in sequence with the numbers of the properties on both sides.

2. Such request for numbering change shall be presented to the City Council by the City Clerk's Office for consideration at a regular meeting.

Section 6. ENFORCEMENT. Any person, firm, corporation or other entity failing to comply with this ordinance will be subject to prosecution.

Section 7. PENALTIES. Any person, firm, corporation or other entity failing to comply with this ordinance may be deemed guilty of a misdemeanor in Almena Municipal

Court and may be fined not less than twenty dollars ($20.00) or more than five hundred dollars ($500.00). No person, firm, corporation or other entity shall be convicted under this ordinance unless they have been given adequate notice of its requirements and a reasonable opportunity to comply.

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

PASSED AND ADOPTED by the Governing Body of the City of Almena, Kansas, this 3 day of July, 2017.

Tracy Stutsman, Mayor

Attested by:

Stacy Whitney, City Clerk

ORDINANCE NO. 439

AN ORDINANCE ADOPTING THE CODIFICATION OF ORDINANCES OF THE CITY OF Almena, KANSAS, AUTHORIZED BY ORDINANCE NO. 439 PROVIDING FOR THE REPEAL OF CERTAIN OTHER ORDINANCES NOT INCLUDED THEREIN, EXCEPTING CERTAIN ORDINANCES FROM REPEAL AND SAVING CERTAIN ACCRUED RIGHTS AND LIABILITIES.

Be it Ordained by the Governing Body of the City of Almena, Kansas:

Section 1. The codification of ordinances of the City of Almena, Kansas, authorized by Ordinance No. 439 and K.S.A. 12-3014 and 12-3015, as set out in the following chapters, Chapters I to XVI and Appendices A and B, all inclusive, and entitled the "Code of the City of Almena, Kansas, 2017," is hereby adopted and ordained as the "Code of the City of Almena, Kansas, 2017," and said codification shall become effective upon publication of no fewer than 10 copies of said code in book form.

Section 2. All ordinances and parts of ordinances of a general nature passed prior to _____ _____, 20__, in force and effect at the date of the publication of no fewer than 10 copies of the "Code of the City of _____, Kansas, 20___," and this ordinance, are hereby repealed as of the date of publication of said code except as hereinafter provided.

Section 3. In construing this ordinance, the following ordinances shall not be considered or held to be ordinances of a general nature:

(a) Ordinances pertaining to the acquisition of property or interests in property by gift, purchase, devise, bequest, appropriation or condemnation;
(b) Ordinances opening, dedicating, widening, vacating or narrowing streets, avenues, alleys and boulevards;
(c) Ordinances establishing and changing grades of streets, avenues, alleys and boulevards;
(d) Ordinances naming or changing the names of streets, avenues and boulevards;
(e) Ordinances authorizing or directing public improvements to be made;
(f) Ordinances creating districts for public improvements of whatsoever kind or nature;
(g) Ordinances levying general taxes;
(h) Ordinances levying special assessments or taxes;
(i) Ordinances granting any rights, privileges, easements or franchises therein mentioned to any person, firm or corporation;
(j) Ordinances authorizing the issuance of bonds and other instruments of indebtedness by the city;
(k) Ordinances authorizing contracts;
(l) Ordinances establishing the limits of the city or pertaining to annexation or exclusion of territory;
(m) Ordinances relating to compensation of officials, officers and employees of the city:
(n) Ordinances of a temporary nature;

Provided, That the above enumeration of exceptions shall not be held or deemed to be exclusive, it being the purpose and intention to exempt from repeal any and all ordinances not of a general nature and general ordinances specifically excepted by this section.

Section 4. The arrangement and classification of the several chapters, articles, and sections of the code adopted by Section 1 of this ordinance and the headnotes and footnotes at the ends of the sections, are made for the purpose of convenience and orderly arrangement, and do not constitute a part of the ordinances, and therefore, no implication or presumption of legislative intent or construction is to be drawn therefrom.

Section 5. The repeal of ordinances as provided in Section 2 hereof, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or actions involving any of the provisions of said ordinances or parts thereof. Said ordinances above repealed are hereby continued in force and effect after the passage, approval and publication of this ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefor.

Section 6. If for any reason any chapter, article, section, subsection, sentence, portion or part of the "Code of the City of Almena, Kansas, 2017," or the application thereof to any person or circumstances is declared to be unconstitutional or invalid, such decision will not affect the validity of the remaining portions of this code.

Section 7. This ordinance shall take effect and be in force from and after the publication of the "Code of the City of Almena, Kansas, 20__," as provided in K.S.A. 12-3015.

Passed by the Governing Body of the City of Almena, Kansas, this 5th day of September, 2017.

/s/ [signature], Mayor

ATTEST: /s/ [signature] City Clerk

(SEAL)

ORDINANCE NO. 440

AN ORDINANCE ESTABLISHING DELINQUENT DEBT ADMINISTRATIVE CHARGE

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

Section One. Delinquent Debt Charges. All bills for utility services or other liquidated debt due and owing to the City of Almena, Kansas determined to be delinquent debt and turned over for outside debt collection, including the State of Kansas set-off program, shall be subject to a fee of twenty-five percent (25%) of the total delinquent amount to cover the reasonable cost of collection. This delinquent debt administrative charge shall be applied prior to the referral for collection. This delinquent debt administrative charge shall apply to, but is not limited to, charges for water, sewer, trash, code violations, parking tickets, municipal court fines, fees, court costs, interest accrued thereon, or any other debt due and owing to the City of Almena. The costs of collection shall include, but are not limited to, court costs, surcharges, attorney fees, and collection agency fees, except that such costs of collection may not include both attorney fees and collection agency fees.

Section Two. Ordinances in Conflict. Any ordinances or portions thereof of the City of Almena in conflict herewith are hereby repealed.

Section Three. This ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND APPROVED this 3rd day of December, 2018.

CITY OF ALMENA, KANSAS

Tracy Stutsman, Mayor

ATTEST:

Catherine Rivera, Almena City Clerk

ORDINANCE NO. 441

AN ORDINANCE AMENDING THE REQUIRED UTILITY DEPOSIT FOR UTILITY SERVICES WITHIN THE CITY OF ALMENA, KS

BE IT ORDAINED by the governing body of the City of Almena, Kansas, as follows:

SECTION ONE: Section 15-105 of the Code of the City of Almena, Kansas shall be amended by deleting the present provisions in their entirety, and replacing them with the following provisions:

SERVICE FEE. When a property owner or customer makes an initial application for utility service, he or she shall pay a service fee for connecting and providing service to the property owner or customer. The service or installation fee for water service shall be **$40.00**.

UTILITY DEPOSIT.

(a) Each customer making application for utility service shall make a cash deposit in the amount set by the governing body to secure payment of accrued bills or bills due on discontinuance, disconnection, or termination of service. Such deposit must be received in full prior to provision of utility services.

(b) The deposit(s) required by subsection (a) above shall not exceed an amount equal to the expected average cumulative charges for a three-month period for such utility service(s). The amount of the cash deposit required is determined by the governing body of the City. At its discretion, the City may require a single utility deposit to be paid by the property owner or customer. If a single deposit is requested, the total amount of the deposit shall not exceed an amount equal to the expected cumulative charges for a three-month period for all such utility services provided by the city.

(c) Utility deposits made shall be kept by the City Clerk in a separate account and deposited in a fund designated as the "Utility Deposit Fund". Account shall be kept of the date on which such deposit is received, the name of the depositor, and the amount thereof. Interest shall be credited to customer's account as required in K.S.A. 12-822 at the rate determined by the Kansas Corporation Commission.

(d) In six (6) months from the initial utility service date determined when the deposit is made, the deposit together with the interest due thereon shall be refundable to the depositor less any amount due and owing the City for services furnished prior thereto. If service is discontinued or terminated prior to six (6) months from the time the deposit was made, the deposit plus accrued interest shall be refundable to the depositor less any amount due and owing the City for services furnished prior thereto at the time of discontinuation.

(e) In the event that more than two late payments have been made on a utility account within the six (6) month period that the utility deposit is kept by the City, such deposit will be kept for an additional six (6) months and refunded twelve (12) months from the time the deposit was made less any amount due and owing the City for services furnished prior thereto.

(f) In the event that utility service shall be disconnected or discontinued for failure to pay any bill due to the city for such utility, such deposit together with the interest due thereon shall be

applied to the payment of any accrued bills or bills due on discontinuance of service. If there shall remain any surplus of such deposit, the surplus shall be returned to the customer.

(g) Any security deposit not refunded within three (3) years after discontinuance of service shall be deposited in the utility operating fund of the City upon compliance with the provisions of K.S.A. 12-822 as amended.

SECTION TWO: Ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE: This ordinance shall be published in the official City newspaper and shall take effect upon publication.

PASSED AND APPROVED by the governing body of the City of Almena, Kansas, on this 3rd day of December, 2018.

CITY OF ALMENA, KANSAS

Tracy Stutsman, Mayor

ATTEST:

Catherine Rivera, City Clerk

ORDINANCE NO. 442

ANNUAL APPROPRIATION ORDINANCE
FOR THE CITY OF ALMENA, KANSAS

An Ordinance to make appropriations for current expenses and other expenditures of the City of Almena, Kansas, during the fiscal year ending December 31, 2019.

Section 1. **BE IT ORDAINED** by the Governing Body of the City of Almena, Kansas, that to provide for the current expenses and other expenditures of the said city during the fiscal year ending December 31, 2019, the City hereby appropriates all sums set forth in the City's adopted budget for the year 2019.

NOW, THEREFORE, this ordinance is made in order to provide for payroll and the acquisition of the necessary supplies, equipment repairs, and improvements as needed for 2019.

THE CLERK AND TREASURER ARE HEREBY AUTHORIZED to draw warrants for payments from any appropriate funds upon receiving proper vouchers therefore, approved by the officers authorized by law to approve the same, or an ordinance of resolution of council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

Section 2. This ordinance shall take effect upon its adoption.

PASSED: January 7, 2019

Tracy Stutsman

Tracy Stutsman, Mayor

ATTEST:

Catherine Rivera

Catherine Rivera, Clerk

ORDINANCE NO. 443

AN ORDINANCE REGULATING THE SALE OF CEREAL MALT BEVERAGE AND BEER CONTAINING NOT MORE THAN 6% ALCOHOL BY VOLUME WITHIN THE CITY OF ALMENA, KANSAS, AND REPLACING ARTICLE TWO OF CHAPTER THREE OF THE ALMENA CITY CODE

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

Section 1. Section 3-101 of the City Code is hereby amended by adding the following to definitions applicable to Chapter III of the City Code:

"BEER. Beer means a beverage containing more that 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley or other grain, malt and hops in water. The term beer includes beer, ale, stout, lager beer, porter, and similar beverages having such alcoholic content.

Section 2. Article 2 of Chapter III of the City Code of the City of Almena, Kansas regarding Cereal Malt Beverages is hereby repealed and replaced with the following provisions:

"ARTICLE 2: ENHANCED CEREAL MALT BEVERAGES

3-201 DEFINITION. Enhanced Cereal Malt Beverage means cereal malt beverage as that term is defined in K.S.A. 41-2701, and amendments thereto, and such term shall include beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act.

3-202 LICENSE ISSUED BY CITY. The "Cereal Malt Beverage License" issued by the city of Almena pursuant to this ordinance, authorizes the sale of enhanced cereal malt beverage as defined in Section 1, by those retailers in compliance with this ordinance and other laws and regulations that may apply.

3-203 LICENSE REQUIRED OF RETAILER.

a) It shall be unlawful for any person to sell any enhanced cereal malt beverage at retail without a license for each place of business where enhanced cereal malt beverages are to be sold at retail.
b) It shall be unlawful for any person, having a license to sell enhanced cereal malt beverages at retail only in the original and unopened containers and not for consumption on the premises, to sell any enhanced cereal malt beverage in any other manner.

3-204 APPLICATION. Any person desiring a license shall make an application to the governing body of the city and accompany the application by the required license fee for each place of business for which the person desires the license. The application shall be verified, and upon a form prepared by the attorney general of the State of Kansas, and shall contain:

a) The name and residence of the applicant and how long he or she has resided within the State of Kansas;
b) The particular place for which a license is desires;
c) The name of the owner of the premises upon which the place of business is located;
d) The names and addresses of all persons who hold any financial interest in the particular place of business for which a license is desired;
e) A statement that the applicant is a citizen of the United States and not less than 21 years of age and that he or she has not within two years immediately preceding the date of making application been convicted of a felony or any crime involving moral turpitude, or been adjudged guilty of drunkenness, or driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States;
f) Each application for a general retailer's license shall be accompanied by a certificate from the city health officer certifying that he or she has inspected the premises to be licenses;
g) Each application for a general retailer's license must be accompanied by a certificate from the city fire chief certifying that he or she has inspected the premises to be licensed.

The application shall be accompanied by a statement, signed by the applicant, authorizing any governmental agency to provide the city with any information pertinent to the application. One copy of such application shall immediately be transmitted to the City attorney of the city for investigation of the applicant. It shall be the duty of the City attorney to investigate such applicant to determine whether he or she is qualified as a licensee under the provisions of this chapter. The city attorney shall report to the governing body not later than five working days subsequent to the receipt of such application. The application shall be scheduled for consideration by the governing body at the earliest meeting consistent with current notification requirements.

3-205 LICENSE APPLICATION PROCEDURES.

a) All applications for a new and renewed enhanced cereal malt beverage license shall be submitted to the city clerk 10 days in advance of the governing body meeting at which they will be considered.

b) The city clerk's office shall notify the applicant of an existing license 30 days in advance of its expiration.
c) The clerk's office shall provide copies of all applications to law enforcement, to the fire department, and to the city-county health department, when they are received. Law enforcement will run a record check on all applicants and the fire department and health department will inspect the premises. The departments will then recommend approval, or disapproval, of applications within five working days of the department's receipt of the application.
d) The governing body will not consider any application for a new or renewed license that has not been submitted 10 days in advance and been reviewed by the above city departments.
e) An applicant who has not had an enhanced cereal malt beverage license in the city shall attend the governing body meeting when the application for a new license will be considered.

3-206 LICENSE GRANTED; DENIED.

a) The journal of the governing body shall show the action taken on the application.
b) If the license is granted, the city clerk shall issue the license which shall show the name of the licensee and the year for which issued.
c) No license shall be transferred to another licensee.
d) If the license shall be denied, the license fee shall be immediately returned to the person who has made application.

3-207 LICENSE TO BE POSTED. Each license shall be posted in a conspicuous place in the place of business for which the license is issued.

3-208 LICENSE, DISQUALIFICATION. No license shall be issued to:

a) A person who has not been a resident in good faith of the state of Kansas for at least one year immediately preceding application and a resident of Norton County for at least six months prior to filing of such application.
b) A person who is not a citizen of the United States.
c) A person who is not of good character and reputation in the community in which he or she resides.
d) A person who, within two years immediately preceding the date of making application, has been convicted of a felony or any crime involving moral turpitude, or has been adjudged guilty of drunkenness of driving a motor vehicle while under the influence of intoxicating liquor or the violation of any other intoxicating liquor law of any state or of the United States.
e) A partnership, unless all the members of the partnership shall otherwise be qualified to obtain a license.
f) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25 percent of the stock of

such corporation would be ineligible to receive a license hereunder for any reason other than non-residence within the city or county.

g) A corporation, in any manager, officer of director thereof, or any stockholder owning in the aggregate more than 25 percent of the stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 25 percent of the stock, of a corporation which: (A) has had a retailer's license revoked under K.S.A. 41-2708 and amendments thereto; or (B) has been convicted of a violation of the drinking establishment act or the cereal malt beverage laws of this state.

h) A person whose place of business is conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee.

i) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, retailer residency requirements or age, except that this subsection (i) shall not apply in determining eligibility for a renewal license.

3-209 RESTRICTION UPON LOCATION.

a) No license shall be issued for the sale at retail of any enhanced cereal malt beverage on premises which are located in areas not zoned for such purpose.

b) It shall be unlawful to sell or dispense at retail any enhanced cereal malt beverage at any place within the city limits that is within a 200-foot radius of any church, school or library.

c) Provisions shall not apply to any establishment holding a private club license issued by the State of Kansas.

d) The distance limitation of subsection (b) above shall not apply to any establishment holding an enhanced cereal malt beverage license issued by the city when the licensee has petitioned for and received a waiver of the distance limitation. The governing body shall grant such a waiver only following public notice and hearing.

3-210 LICENSE FEE. The rules and regulations regarding license fees shall be as follows:

a) General Retailer -- for each place of business selling enhanced cereal malt beverages at retail, $50.00 per calendar year.

b) Limited Retailer -- for each place of business selling only at retail enhanced cereal malt beverages in original and unopened containers and not for consumption on the premises, $50.00 per calendar year.

Full amount of the license fee shall be required regardless of the time of the year in which the application is made, and the licensee shall only be authorized to operate under the license for the remainder of the calendar year in which the license is issued.

3-211 LICENSE SUSPENSION/REVOCATION BY GOVERNING BODY. The governing body of the city, upon five days' written notice, to a person holding a license to
sell enhanced cereal malt beverages shall permanently revoke or cause to be suspended for a period of not more than 30 days such license for any of the following reasons:

a) If a licensee has fraudulently obtained the license by giving false information in the application therefor;
b) If the licensee has violated any of the provisions of this section or has become ineligible to obtain a license under this section;
c) Drunkenness of a person holding such license, drunkenness of a licensee's manager or employee while on duty and while on the premises for which the license is issued, or for a licensee, his or her manager or employee permitting any intoxicated person to remain in such place selling enhanced cereal malt beverages;
d) The sale of enhanced cereal malt beverages to any person under 21 years of age;
e) For permitting any gambling in or upon any premises licensed;
f) For permitting any person to mix drinks with materials purchased in any premises licensed or brought into the premises for this purpose;
g) For the employment of any person under the age established by the State of Kansas for employment involving dispensing enhanced cereal malt beverages;
h) For the employment of persons adjudged guilty of a felony or of a violation of any law relating to intoxicating liquor;
i) For the sale or possession of, or for permitting the use or consumption of alcoholic liquor within or upon any premise licensed;
j) The nonpayment of any license fees;
k) If the licensee has become ineligible to obtain a license;
l) The provisions of subsections (f) and (i) shall not apply if such place of business is also currently licensed as a private club.

3-212 SAME; APPEAL. The licensee, within 20 days after the order of the governing body revoking any license, may appeal to the district court of Norton County and the district court shall proceed to hear such appeal as though such court had original jurisdiction in the matter. Any appeal taken shall not suspend the order of revocation of the license of any licensee, nor shall any new license be issued to such person or any person acting for or on his or her behalf, for a period of six months thereafter.

3-213 CHANGE OF LOCATION. If a licensee desires to change the location of his or her place of business, he or she shall make an application to the governing body showing the same information relating to the proposed location as in the case of an original application. Such application shall be accompanied by a fee of $35.00. If the application is in proper form and the location is not in a prohibited zone and all other requirements relating to such place of business are met, a new license shall be issued for

the new location for the balance of the year for which a current license is held by the licensee.

3-214 WHOLESALERS AND/OR DISTRIBUTORS. It shall be unlawful for any wholesaler and/or distributor, his, her or its agents or employees, to sell and/or deliver enhanced cereal malt beverages within the city, to persons authorized to sell the same within this city unless such wholesaler and/or distributor has first secured a license from the director of revenue, state commission of revenue and taxation of the State of Kansas authorizing such sales.

3-215 BUSINESS REGULATIONS. It shall be the duty of every licensee to observe the following regulations:

a) The place of business licensed, and operating shall at all times have a front and rear exit unlocked when open for business.
b) The premises and all equipment used in connection with such business shall be kept clean and in a sanitary condition and shall at all times be open to the inspection of the police and health officers of the city, county and state.
c) Except as provided by subsection (d), no enhanced cereal malt beverages may be sold or dispensed between the hours of 12:00 midnight and 6:00 a.m., or consumed between the hours of 12:30 a.m. and 6:00 a.m., or on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, which derives not less than 30 percent of its gross receipts from the sale of food for consumption on the licensed premises; closing hours for clubs shall conform to K.S.A. 41-2614 and amendments thereto.
d) Enhanced cereal malt beverages may be sold at any time alcoholic liquor is allowed by law to be served on premises which are licensed pursuant to K.S.A. 41-2601, et seq. and amendments thereto, and licensed as a club by the State Director of Alcoholic Beverage Control.
e) The place of business shall be open to the public and to the police at all times during business hours, except that premises licensed as a club under a licensed issued by the State Director of Alcoholic Beverage Control shall be open to the police and not to the public.
f) It shall be unlawful for any licensee or agent or employee of the licensee to become intoxicated in the place of business for which such license has been issued.
g) No licensee or agent or employee of the licensee shall permit any intoxicated person to remain in the place of business for which such license has been issued.
h) No licensee or agent or employee of the licensee shall sell or permit the sale of enhanced cereal malt beverage to any person under 21 years of age.
i) No licensee or agent or employee of the licensee shall permit any gambling in the place of business for which such license has been issued.

j) No licensee or agent or employee of the licensee shall permit any person to mix alcoholic drinks with materials purchased in said place of business or brought in for such purpose.
k) No licensee or agent or employee of the licensee shall employ any person under 18 years of age in dispensing enhanced cereal malt beverages. No licensee shall employ any person who has been judged guilty of a felony.

3-216 PROHIBITED CONDUCT ON PREMISES. The following conduct by an enhanced cereal malt beverage licensee, manager or employee of any licensed enhanced cereal malt beverage establishment is deemed contrary to public welfare and is prohibited:

a) Remaining or permitting any person to remain in or upon the premises who exposes to view any portion of the female breasts below the top of the areola or any portion of males/female's pubic hair, anus, buttocks or genitals;
b) Permitting any employee on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, vulva or genitals of another employee or any patron;
c) Encouraging or permitting any patron on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, vulva, or genitals of any employee;
d) Performing or permitting any person to perform on the licensed premises acts of or acts which simulate:
    1) Sexual intercourse, masturbation, sodomy, or any other sexual act which is prohibited by law; or
    2) Touching, caressing or fondling such persons' breasts, buttocks, anus or genitals.
e) Using or permitting any person to use on the licensed premises, any artificial devices or inanimate objects to depict any of the acts prohibited by paragraph (d).
f) Showing or permitting any person to show on the licensed premises any motion picture, film, photograph, electronic reproduction, or other visual reproduction depicting:
    1) Acts or simulated acts of sexual intercourse, masturbation, sodomy, or any sexual act which is prohibited by law;
    2) The touching, caressing or fondling of the buttocks, anus, genitals or the female breasts;
    3) Scenes in which a person displays the buttocks, anus, genitals or the female breasts.
g) The term premises means the premises licensed by the city as an enhanced cereal malt beverage establishment and such other areas, under the control of the licensee or his or her employee or employees, that are in such close proximity to the licensed premises that activities and conduct of persons within such other areas may be viewed by persons on or within the licensed premises.

3-217 SANITARY CONDITIONS REQUIRED. All parts of the licensed premises including furnishings and equipment shall be kept clean and in a sanitary condition, free from flies, rodents and vermin at all times. The licensed premises shall have at least one restroom for each sex easily accessible at all times to its patrons and employees. The restroom shall be equipped with a least one lavatory with hot and cold running water, be well lighted, and be furnished at all times with paper towels or other mechanical means of drying hands and face. Each restroom shall be provided with adequate toilet facilities which shall be of sanitary design and readily cleanable. The doors of all toilet rooms shall be self-closing and toilet paper at all times shall be provided. Easily cleanable receptacles shall be provided for waste material and such receptacles in toilet rooms for women shall be covered. The restrooms shall at all times be kept in a sanitary condition and free of offensive odors and shall be at all times subject to inspection by the city health officer or designee.

3-218 MINORS ON PREMISES.

a) It shall be unlawful for any person under 21 years of age to remain on any premises where the sale of cereal malt beverages is licensed for on-premises consumption.
b) This section shall not apply if the person under 21 years of age is an employee of the licensed establishment or is accompanied by his or her parent of guardian, or if the licensed establishment derives not more than 30% of its gross receipts in each calendar year from the sale of enhanced cereal malt beverages for on-premises consumption.

Section 3. This ordinance shall be published one time in the official city newspaper.

Section 4. This ordinance shall take effect and be in force from and after its publication.

PASSED AND ADOPTED by the Governing Body of the City of Almena, Kansas, this 1st day of April, 2019.

Tracy Stutsman, Mayor

Attested by:

Cathy Rivera, City Clerk

ORDINANCE NO. 444

AN ORDINANCE GRANTING NEX-TECH, LLC A LIMITED LIABILITY COMPANY, ITS PARENT COMPANY (RURAL TELEPHONE SERVICE COMPANY, INC., A KANSAS CORPORATION), SUCCESSORS, TRANSFEREES AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE TO ERECT, MAINTAIN AND OPERATE A TELECOMMUNICATIONS SYSTEM WITHIN THE CITY LIMITS OF ALMENA, KANSAS, PRESCRIBING THE TERMS AND CONDITIONS THEREOF AND PROVIDING FOR PAYMENTS TO BE MADE TO THE CITY OF ALMENA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, WARREN COUNTY, KANSAS:

ARTICLE 1
DEFINITIONS

For the purpose of granting this Franchise, the following terms shall have the meaning as described herein:

1.1. City. "City" shall mean the City of Almena, Kansas, and shall include, when appropriate, the context of the territorial boundaries of the city limits of Almena, Kansas, as they now or shall hereafter exist.

1.2. City Council. "City Council" shall mean the present governing body of the City or any successor to the legislative powers of the present City Council.

1.3. Franchise. "Franchise" shall mean the permission, license or authority given hereunder to conduct and operate a telecommunications system in the City, pursuant to this Ordinance passed by the City Council.

1.4. Grantee. "Grantee" shall mean Nex-Tech, its parent company (Rural Telephone Service Company, Inc.), subsidiaries, successors, transferees or assigns of the Franchise granted herein.

1.5. Franchise Revenue. "Franchise Revenue" shall mean a flat monthly fee or a percentage of annual Franchise Revenue received by Grantee for basic service rates collected from subscribers of Grantee's local telephone service; provided, however, that such phrase shall not include: (i) revenues received from any advertising carried on the telecommunications system; (ii) revenues from optional calling features; (iii) any taxes imposed directly or indirectly on any subscriber by any governmental unit or agency, and collected by Grantee on behalf of such governmental unit or agency; (iv) any revenues derived from installation charges; or (v) revenues derived from Internet access.

1.6. Street. "Street" shall mean the surface of, and the space above and below, any public street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway, drive or other

easement now or hereafter held by the City for the purpose of public travel. It shall also include such other easements or right-of-ways as shall be now or hereafter held by the City, and which shall within their proper use and meaning entitle the City and Grantee to install or transmit telecommunications transmissions over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to a Telecommunications System.

1.7. Property of Grantee. "Property of Grantee" shall mean all property owned and installed or used by Grantee in the conduct of its telecommunications business in the City and under the authority of the Franchise granted herein.

1.8. Telecommunications System. "Telecommunications System" shall mean all equipment used to transport voice communications.

1.9. Subscriber. "Subscriber" shall mean any person or entity receiving, for any purpose, one or more of the services offered within Grantee's Telecommunications System.

1.10. Person. "Person" shall mean any individual or association of individuals, or any firm, corporation or other business entity.

1.11. Telecommunications Facilities. "Telecommunications Facilities" shall mean property of the Grantee used in operation of the Telecommunications System.

ARTICLE 2
GRANT OF FRANCHISE

2.1. General Grant. The City hereby grants to Grantee the right and privilege to construct, erect, operate and maintain a Telecommunications System within the City and, in so doing, to use the Streets of the City by erecting, installing, constructing, repairing, replacing, reconstructing, maintaining and retaining in, on, under, upon or across any such Street, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and pertinent to a Telecommunications System within the City.

2.2. Non-Exclusivity. The authority given to Grantee in Section 2.1 is not and shall not be deemed to be an exclusive right or permission. The City expressly reserves the right to grant similar non-exclusive franchises to other Persons and allow them to use the Streets of the City within the same or other areas of the City as Grantee at any time; provided, however, that such other franchises do not interfere or create interference with Grantee's Telecommunications System already established and said other franchisees shall not be extended preferential treatment over Grantee.

2.3. Notice Concerning Complaints. Notice of the procedures for reporting and resolving complaints shall be given to each Subscriber at the time of the initial subscription to the Telecommunications System.

2.4. Modifications. Any modification of the provisions of the federal franchise standards resulting from an amendment of the standards by the Federal Communications Commission must be incorporated into this Franchise within one (1) year of the adoption of the modification, or at the time of renewal, whichever occurs first. It shall also be the policy of the City to amend this Franchise, upon application of Grantee, when necessary, to enable Grantee to take advantage of any developments in the telecommunications field which would afford Grantee an opportunity to more effectively, efficiently or economically serve its Subscribers, and to enable Grantee to conform to the Rules and Regulations of the Kansas Corporation Commission and the Federal Communications Commission as they may be amended from time to time.

ARTICLE 3
TERM

The initial term of this Ordinance shall be for a period of five (5) years and shall automatically renew for successive five (5) terms unless written notice of intent to terminate is given by either the City or Grantee, to the other, at least one (1) year prior to expiration of the then current term.

ARTICLE 4
FORFEITURE

In addition to all other rights and powers reserved or pertaining to the City, the City reserves as an additional, separate and distinct remedy the right to revoke this Franchise and all rights and privileges of the Grantee hereunder for any of the following reasons:

a. Grantee fails, after thirty (30) days prior written notice, to comply with any of the provisions of this Ordinance granting this Franchise or has, by act or omission, violated any term or condition thereof;

b. Any provision of this Ordinance is adjudged by a court of law as invalid or unenforceable, and the City Council finds that such provision constitutes a consideration material to the continuance of the Franchise granted herein;

c. Grantee becomes insolvent, unable or unwilling to pay its debts or is adjudged bankrupt;

d. Grantee attempts to or does practice any fraud or deceit in its conduct or relations with the City or its Subscribers under this Franchise; or

e. The City condemns all Property of Grantee within the City by lawful exercise of eminent domain.

ARTICLE 5
ORDINANCE OF REVOCATION

No revocation provided for in Article 4, except for reasons of condemnation as described in Article 4(e), shall be effective unless or until the City Council provides written notice to Grantee, and Grantee is given at least thirty (30) days to cure any alleged breach of Article 4 herein. If, upon expiration of the time to cure, City Council believes Grantee has failed to cure, the City Council must adopt an Ordinance setting forth the cause and reason for the revocation and the effective date thereof in order to effectuate any revocation. Such Ordinance shall not be adopted without thirty (30) days prior written notice thereof to Grantee along with an opportunity for Grantee to be heard on the proposed adoption of said proposed Ordinance. If the revocation as proposed in said Ordinance depends upon a finding of fact, such finding of fact must be made by the City Council after a conclusive hearing is provided, if requested by Grantee.

ARTICLE 6
COMPENSATION

In consideration of granting this Franchise to Grantee, Grantee shall pay the City, in arrears, an amount equal to one percent (1%) of the annual Franchise Revenue from the operation of the business in said City. This fee will be collected as a "pass-through" from the Subscribers. Such payment shall be made by Grantee to the City in arrears on a quarterly basis, within forty-five (45) days of the end of each remittal period, for the duration of this Ordinance. The City agrees to accept this sum as full and fair compensation.

ARTICLE 7
INDEMNIFICATION

Grantee shall, concurrently with the filing of the acceptance of this Franchise, furnish to the City and file with the City Clerk proof of a liability insurance policy in the amount of One Million Dollars ($1,000,000) with a company approved by the City and in a form satisfactory to the City Attorney. Such policy shall indemnify and defend the City, its officers, councils, boards, commissions, agents and employees from and against any and all claims, demands, actions, suits and proceedings by others, against all liabilities to others and against any loss, costs, expenses or damages resulting there from or arising out of the exercise or enjoyment of this Franchise.

ARTICLE 8
USE AND INSTALLATION

8.1. Degree of Care. Grantee or any Persons erecting, constructing or maintaining any of the Property of Grantee shall, at all times, employ due care or the highest degree of care required by law under the facts and circumstances and shall maintain and install the Property of Grantee in accordance with commonly accepted methods and principals so as to prevent failures and accidents likely to damage, injure or create a public nuisance.

8.2. Location of Facility. All Telecommunications Facilities shall be located so as to cause minimum interference with the proper use of Streets and the rights and reasonable

convenience of property owners abutting the Streets. In no event shall such Telecommunications Facilities be located so as to substantially interfere with the usual public travel on any Street within the City.

8.3. Damage to Public Property. Whenever Grantee or any person on its behalf causes any injuries or damage to any public property or Street by or because of the installation, maintenance or operation of the Telecommunications Facilities, such injury or damage shall be immediately remedied in such fashion as directed by the City Superintendent at Grantee's expense.

8.4. Tree Trimming. Grantee shall have authority to trim trees upon and over the Streets of the City so as to prevent the branches of such trees from coming in contact with wires, cables and other Telecommunications Facilities. All trimming shall be done under the supervision of the City Superintendent at Grantee's expense.

8.5. Facilities Upgrades/Changes. Grantee shall exercise its right to place, remove, construct and reconstruct, extend and maintain its plant and appurtenances as the business, and purposes for which, may from time to time require along, across, on, over, through, above and under any public right-of-ways including, but not limited to, Streets, avenues, alleys, bridges and the public grounds and places within the limits of the City at Grantee's expense.

ARTICLE 9
REMOVAL AND ABANDONMENT OF PROPERTY

If this Franchise is terminated or revoked, Grantee shall remove from the Streets all of its Telecommunications Facilities other than those which the City may permit to be abandoned in place. In the event of such removal, Grantee shall return the Street to similar condition as it was in before the Telecommunications Facilities were placed.

ARTICLE 10
OPERATION AND MAINTENANCE

Grantee shall have the authority to promulgate such rules, regulations, terms and conditions of its business as shall be reasonably necessary to enable Grantee to exercise its rights and perform its services under this Franchise and to assure an uninterrupted service to all of its customers. Grantee shall render efficient service, make repairs promptly and only interrupt service for good cause for the shortest time possible. In order to limit failure and malfunctions of the Telecommunications System and to enable prompt correction at all times after notice of malfunction or failure, Grantee shall consistently maintain a listed telephone, which shall be operated to receive complaints, requests for repairs or adjustments because of malfunctions at any time of day Sunday through Saturday, including holidays.

Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary action shall be paid by the person requesting the same, and Grantee shall have the authority to require advance payment. Grantee shall be given no less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

ARTICLE 11
COMPLIANCE WITH THE LAW

Grantee shall, at all times during the term of this Franchise, be subject to all lawful exercises of the police power of the City and to such reasonable regulations as the City shall prescribe for the general conduct of persons providing telecommunications service within the City.

ARTICLE 12
SALE OR LEASE OF FRANCHISE

This Franchise shall be deemed a privilege to be held in personal trust by Grantee. It may not be sold, transferred, leased, assigned or disposed of in whole or in part, either by force of voluntary sale, consolidation or otherwise, without prior notification to the City Council.

ARTICLE 13
GRANTEE WITHOUT RECOURSE

Grantee shall have no recourse whatsoever against the City for any loss, cost, expense or damage arising out of any of the provisions or requirements of this Franchise or because of the enforcement thereof by the City, nor for the failure of the City to have the authority to grant all or any part of the Franchise.

ARTICLE 14
GRANTEE'S RATES AND REGULATIONS

Grantee shall have the right and power to fix, charge, collect and receive reasonable rates for the services it provides through its Telecommunications System; provided, that such rates shall not be established on a discriminatory basis.

ARTICLE 15
NOTICES

Whenever, under the terms of this Franchise, either party shall be required or permitted to give notice to the other, such notice shall be made in writing, and delivered by certified mail, postage prepaid, return receipt requested, as follows:

If to the City:

Almena City Clerk
421 Main St.
PO Box 277

If to Grantee:

Regulatory Legal Analyst
Nex-Tech
145 North Main
Lenora, KS 67645

ARTICLE 16
MISCELLANEOUS PROVISIONS

16.1. Supersedes Prior Ordinances. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed as of the Effective Date of this Ordinance. This Ordinance specifically supersedes the previously adopted Ordinances.

16.2. Binding Effect. All provisions of this Ordinance shall be binding upon Grantee and all its subsidiaries, successors, transferees and assigns, whether expressly stated herein or not.

16.3. Assignment. City shall not sell, assign or transfer this Agreement or any part thereof without the prior written consent of Grantee; however, Grantee may, without the consent of City assign any or all of its rights and obligations under this Agreement to its parent, any subsidiary (of Grantee or its parent), or any affiliate (of Grantee or its parent) or to any successor in interest pursuant to a sale of stock or assets, merger, acquisition, or reorganization.

16.4. Negotiations. In the event the parties are actively negotiating in good faith a new contract franchise ordinance or an amendment to this Contract franchise upon the termination date of this Contract Franchise, the parties by written mutual agreement may extend the termination date of this Contract franchise to allow for further negotiations. Such extension period shall be deemed a continuation of this Contract franchise and not as a new contract franchise ordinance or amendment.

PASSED AND ADOPTED by the City Council of the City of Almena, Kansas, on this 1st day of July, 2019.

EFFECTIVE DATE:

CITY OF ALMENA, KANSAS

By: _____
Mayor

ATTEST:

_____
City Clerk

ACCEPTANCE
ORDINANCE NO. 444

WHEREAS, the governing body of the City of Almena, Kansas did on the 8th day of July, 2019, adopt and pass an ordinance entitled:

"A CONTRACT FRANCHISE ORDINANCE GRANTED TO NEX-TECH, LLC, A TELECOMMUNICATIONS LOCAL EXCHANGE SERVICE PROVIDER PROVIDING LOCAL EXCHANGE SERVICE WITHIN THE CITY OF ALMENA, KANSAS."

WHEREAS, said ordinances was duly signed by the mayor of said City of Almena, Kansas, and the seal of said City affixed and attested thereto by the City Clerk of the said City, Almena, and

WHEREAS, said ordinance further provided that it should be in full force and effect after its adoption and publication and its acceptance by Nex-Tech, LLC.

NOW, THEREFORE, in compliance with the terms of said ordinance so enacted and so approved and attested, Nex-Tech, LLC hereby accepts said ordinance and files this its written acceptance with the City Clerk of said City in his said office.

Dated this 1st day of July, 2019.

Nex-Tech, LLC

By: Brenda S Goddard
Chief Financial Officer

Acceptance filed in the office of the City Clerk of Almena, Kansas, this 8th day of July, 2019.

Catherine F. Rivera
City Clerk

ORDINANCE NO. 445

AN ORDINANCE AMENDING WATER AND SEWER CONNECTION PROCEDURE AND TAP FEES WITHIN THE CITY OF ALMENA, KANSAS

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

Section One. That Sections 15-206 and 15-207 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"15-206 CITY TO SUPERVISE CONNECTIONS

All taps shall be given, street excavations made, corporation cocks installed, pipes installed from main to curb, and the curb cock installed in a meter box to which the sewer pipe in to be connected with the supervision and approval of the City's employees and agents.

A Landowner outside of the City limits of Almena, may request a connection to the City's water system. Such application must be made in writing. The approval of such application shall be at the sole discretion of the City and any agreement to extend services outside the City limits shall include a consent to annexation by the landowner.

15-207 CONNECTION FEES

a. That there is hereby established a single, one time tap fee for water services within the corporate limits of the city:
    1. 3/4" water line service - $450.
    2. 1" water line service - $500.
    3. 2" water line service - $1000. 4. Relocation of service meter or upgrade to 1" - $175.00.

    The owner-applicant shall further be responsible for the cost of installation and pipe in addition to the above established tap fees with respect to any water service to be installed more than 100 feet from existing water mains, and the owner-applicant for such water service shall pay 1/2 of the cost of the water meter and installation with respect to water service on lines over 1 inch diameter.
b. The same nonrecurring single water tap fees shall be applicable as stated in subsection (a) with respect to water service to locations outside the corporate limits of the city and that in addition thereto the owner-applicant shall pay the city the cost of connecting to existing water mains."

Section Two. That this Section 15-403 of the Code of the City of Almena is hereby amended to read as following:

"15-403. PERMIT; CONNECTION FEE.

a. No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.
b. That a sewer tap charge of $75.00 shall be made for each connection to municipal sewer lines, excavation of which shall not be commenced without first having notified the city utility superintendent who shall supervise excavation for such sewer tap and shall inspect and approve earth back-fill and compaction thereof, the cost of such sewer tap opening, closure and repaving to be the expense of the property owner of the property served by such sewer tap connection."

Section Three. This ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND APPROVED this 5th day of August, 2019.

CITY OF ALMENA, KANSAS

(SEAL)

Tracy Stutsman

Tracy Stutsman, Mayor

ATTEST:

Catherine F. Rivera

Cathy Rivera, Almena City Clerk

Gilmore & Bell, P.C.
09/05/2019

ORDINANCE NO. 446

OF

THE CITY OF ALMENA, KANSAS

PASSED

SEPTEMBER 9, 2019

$1,620,000
GENERAL OBLIGATION BONDS
SERIES 2019

(PUBLISHED IN THE *NORTON TELEGRAM* ON SEPTEMBER 18, 2019)

ORDINANCE NO. 446

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2019, OF THE CITY OF ALMENA, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; PROVIDING FUNDS TO REFUND THE ISSUER'S OUTSTANDING LOAN OBLIGATIONS; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

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

WHEREAS, pursuant to the legislative enactment referenced below (the "Authorization") the City has authorized certain internal improvements described as follows (the "Improvements"):

Project Description	*Res No.*	*Authority*	*Bond Authorized Amount*
Public water supply improvements	2017-05	K.S.A. 65-163u	$1,620,000

; and

WHEREAS, the City arranged for financing a portion of the Improvements (the "Past Improvements") by the execution of a loan agreement (the "KDHE Loan") described as follows:

Lender	**Loan No.**	**Maturity Date**	**Original Amount**
KDHE	KPWSLF 2392	2/1/2026	$615,500

; and

WHEREAS, the City has heretofore issued the following temporary notes (the "Refunded Notes") to temporarily finance a portion of the costs of the Improvements prior to the completion thereof (the "Current Improvements") and to prepay the KDHE Loan and thereby finance the costs of the Past Improvements:

Series	*Dated Date*	*Maturity Date*	*Original Amount*
2017	10/12/2017	10/15/2019	$1,580,000

; and

WHEREAS, all legal requirements pertaining to the Improvements have been complied with, and the governing body now finds and determines that the total cost of the Improvements (including redemption of the Refunded Notes and issuance costs of the general obligation bonds) and related expenses are at least $2,180,000, to be paid for in part by the issuance of general obligation bonds; and

WHEREAS, Article 12, § 5 of the Constitution of the State of Kansas (the "Home Rule Amendment"): (a) empowers cities to determine their local affairs and government; and (b) provides that such power and authority granted thereby to cities: (1) shall be liberally construed for the purpose of giving to cities the largest measure of self-government and (2) shall be exercised by ordinance, subject only to: (i) enactments of the Kansas legislature of statewide concern applicable uniformly to all cities, (ii) other enactments of the legislature applicable uniformly to all cities, (iii) enactments of the legislature applicable uniformly to all cities of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other action and (iv) enactments of the legislature prescribing limits of indebtedness; and

WHEREAS, the Kansas Supreme Court has considered the Home Rule Amendment and determined that: (a) home rule legislation should be permitted to stand unless an actual conflict exists between the home rule legislation and a state legislative enactment, or unless the legislature has clearly preempted the field so as to preclude municipal action; and (b) legislative intent to reserve to the state exclusive jurisdiction to regulate an area must be clearly manifested by statute before it can be held that the state has withdrawn from the cities the power to regulate in the field (*McCarthy v. City of Leawood*, 257 Kan. 566 (1995); *Junction City v. Lee*, 216 Kan. 495 (1975)); and

WHEREAS, no legislative enactment either authorizes or prohibits the issuance of general obligation bonds to finance the prepayment of the KDHE Loan incurred for the Past Improvements; and

WHEREAS, K.S.A. 10-427 *et seq.* authorizes the City to issue general obligation bonds to refund previously issued general obligation bonds of the City, but neither authorizes nor prohibits the issuance of general obligation bonds to finance the prepayment of the KDHE Loan; and

WHEREAS, the governing body of the City now further finds and determines that: (a) there are no enactments of the Kansas legislature of statewide concern applicable uniformly to all cities or applicable to the City relating to the issuance of general obligation bonds to finance the prepayment of the KDHE Loan; (b) no conflict would exist between the City ordinance authorizing the issuance of general obligation bonds to finance the prepayment of the KDHE Loan and any legislative enactment applicable to the City; and (c) the legislature has not clearly preempted, or clearly manifested its intent to preempt, the field of municipal finance so as to preclude a City ordinance authorizing the issuance of general obligation bonds to finance the prepayment of the KDHE Loan; and

WHEREAS, the City is a city within the meaning of the Home Rule Amendment; and

WHEREAS, the City has received a commitment from the United States of America, acting through the Department of Agriculture - Rural Development ("RD/USDA") to purchase the City's General Obligation Bonds, Series 2019 in an aggregate amount of $1,620,000, the proceeds of which, together with funds derived from a grant from RD/USDA expected in the amount of $560,000, will be used to fund the Improvements, all pursuant a letter of conditions dated August 3, 2017, an approval letter dated August 7, 2017; and

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

WHEREAS, none of such general obligation bonds heretofore authorized have been issued and the City proposes to issue its general obligation bonds to finance the Improvements and the prepayment of the KDHE Loan.

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

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

"Act" means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-620 *et seq.*, K.S.A. 65-163d through 65-163u, K.S.A. 12-101 *et seq.*, Article 12, Section 5 of the Kansas Constitution, as amended and supplemented.

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

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

"Bonds" means the Issuer's General Obligation Bonds, Series 2019, in the aggregate principal amount of $1,620,000, dated as of the Dated Date, authorized by this Ordinance.

"City" means the City of Almena, Kansas.

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

"Dated Date" means September 26, 2019

"Improvements" means the improvements referred to in the preamble to this Ordinance.

"KDHE" means the Kansas Department of Health and Environment.

"KDHE Loan" means the Loan Agreement by and between the Issuer and the Kansas Department of Health and Environment, acting on behalf of the State of Kansas, KPWSLF Project No. 2392.

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

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

"Owner" when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register.

"Paying Agent" means the State Treasurer, and any successors and assigns.

"RD/USDA" means Rural Development, United States of America, acting through the United States Department of Agriculture.

"State" means the State of Kansas.

"Series 2017 Notes" means the City's General Obligation Temporary Notes, Series 2017, dated October 12, 2017.

Section 2. Authorization of the Bonds. There shall be issued and hereby are authorized and directed to be issued the General Obligation Bonds, Series 2019, of the City in the principal amount of $1,620,000, for the purpose of providing funds to: (a) pay a portion of the costs of the Current Improvements; (b) finance the prepayment of the KDHE Loan, and thereby finance a portion of the costs of the Past Improvements, (c) retire the Refunded Notes, and (d) pay the costs of issuance of the Bonds.

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

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

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

The taxes above referred to shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the general ad valorem taxes of the City are levied and collected, shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due and the fees and expenses of the Paying Agent. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund.

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

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

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

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

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PASSED by the governing body of the City on September 9, 2019 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

Mayor

ATTEST:

Clerk

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CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on September 9, 2019; that the record of the final vote on its passage is found on page ____ of journal ____; and that the Ordinance or a summary thereof was published in the ***Norton Telegram*** on September 18, 2019.

DATED: September 9, 2019.

Clerk

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(PUBLISHED IN THE *NORTON TELEGRAM* ON SEPTEMBER 18, 2019)

SUMMARY OF ORDINANCE NO. [446]

On September 9, 2019, the governing body of the City of Almena, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2019, OF THE CITY OF ALMENA, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; PROVIDING FUNDS TO REFUND THE ISSUER'S OUTSTANDING LOAN OBLIGATIONS; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

The Series 2019 Bonds approved by the Ordinance are being issued in the principal amount of $1,620,000, to finance certain internal improvements in the City, and constitute general obligations of the City payable as to both principal and interest, to the extent necessary, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 421 Main Street, Almena, Kansas 67622. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.cityofalmena.com.

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

DATED: September 9, 2019.

City Attorney

Gilmore & Bell, P.C.
09/05/2019

RESOLUTION NO. 2019-19

OF

THE CITY OF ALMENA, KANSAS

ADOPTED

SEPTEMBER 9, 2019

$1,620,000
GENERAL OBLIGATION BONDS
SERIES 2019

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RESOLUTION NO. _____

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2019, OF THE CITY OF ALMENA, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 496 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH.

WHEREAS, the Issuer has heretofore passed the Ordinance authorizing the issuance of the Bonds; and

WHEREAS, the Ordinance authorized the governing body of the Issuer to adopt a resolution prescribing certain details and conditions and to make certain covenants with respect to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ALMENA, KANSAS, AS FOLLOWS:

ARTICLE I

DEFINITIONS

Section 101. Definitions of Words and Terms. In addition to words and terms defined elsewhere herein, the following words and terms as used in this Bond Resolution shall have the meanings hereinafter set forth. Unless the context shall otherwise indicate, words importing the singular number shall include the plural and vice versa, and words importing persons shall include firms, associations and corporations, including public bodies, as well as natural persons.

"Act" means the Constitution and statutes of the State including K.S.A. 10-101 to 10-125, inclusive, K.S.A. 10-620 *et seq.*, K.S.A. 65-163d through 65-163u, K.S.A. 12-101 *et seq.*, Article 12, Section 5 of the Kansas Constitution, as amended and supplemented.

"Amortization Schedule" means the schedule(s) that set forth the principal and interest payments on the Bonds, and which is attached hereto as ***Schedule I*** which shall also be printed on each Bond.

"Authorized Denomination" means $1 or any integral multiples thereof or any amount of principal stated to be paid pursuant to the Amortization Schedule.

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

"Bond Counsel" means the firm of Gilmore & Bell, P.C., or any other attorney or firm of attorneys whose expertise in matters relating to the issuance of obligations by states and their political subdivisions is nationally recognized and acceptable to the Issuer.

"Bond Payment Date" means each anniversary of the Dated Date of the Bond, commencing on the anniversary of the Dated Date in 2059.

"Bond Register" means the books for the registration, transfer and exchange of Bonds kept at the office of the Bond Registrar.

"Bond Registrar" means the Treasurer of the State of Kansas, Topeka, Kansas, and any successors and assigns.

"Bond Resolution" means this resolution relating to the Bonds.

"Bonds" means the General Obligation Bonds, Series 2019, authorized and issued by the Issuer pursuant to the Ordinance and this Bond Resolution.

"Business Day" means a day other than a Saturday, Sunday or any day designated as a holiday by the Congress of the United States or by the Legislature of the State and on which the Paying Agent is scheduled in the normal course of its operations to be open to the public for conduct of its operations.

"City" means the City of Almena, Kansas.

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

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

"Consulting Engineer" means an independent engineer or engineering firm, or architect or architectural firm, having a favorable reputation for skill and experience in the construction, financing and operation of public facilities, at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Consulting Engineer by this Bond Resolution.

"Costs of Issuance" means all costs of issuing the Bonds, including but not limited to all publication, printing, signing and mailing expenses in connection therewith, registration fees, financial advisory fees, all legal fees and expenses of Bond Counsel and other legal counsel, expenses incurred in connection with compliance with the Code, all expenses incurred in connection with receiving ratings on the Bonds, and any premiums or expenses incurred in obtaining municipal bond insurance on the Bonds.

"Costs of Issuance Account" means the Costs of Issuance Account for General Obligation Bonds, Series 2019, created pursuant to ***Section 501*** hereof.

"Current Improvements" means the current improvements referred to in the preamble to the Ordinance.

"Dated Date" means September 26, 2019

"Debt Service Account" means the Debt Service Account for General Obligation Bonds, Series 2019, created within the Bond and Interest Fund pursuant to ***Section 501*** hereof.

"Debt Service Requirements" means the aggregate principal payments (whether at maturity or pursuant to scheduled mandatory sinking fund redemption requirements) and interest payments on the

Bonds for the period of time for which calculated; provided, however, that for purposes of calculating such amount, principal and interest shall be excluded from the determination of Debt Service Requirements to the extent that such principal or interest is payable from amounts deposited in trust, escrowed or otherwise set aside for the payment thereof with the Paying Agent or other commercial bank or trust company located in the State and having full trust powers.

"Defaulted Interest" means interest on any Bond which is payable but not paid on any Bond Payment Date.

"Defeasance Obligations" means any of the following obligations:

(a) United States Government Obligations that are not subject to redemption in advance of their maturity dates; or

(b) obligations of any state or political subdivision of any state, the interest on which is excluded from gross income for federal income tax purposes and which meet the following conditions:

(1) the obligations are (i) not subject to redemption prior to maturity or (ii) the trustee for such obligations has been given irrevocable instructions concerning their calling and redemption and the issuer of such obligations has covenanted not to redeem such obligations other than as set forth in such instructions;

(2) the obligations are secured by cash or United States Government Obligations that may be applied only to principal of, premium, if any, and interest payments on such obligations;

(3) such cash and the principal of and interest on such United States Government Obligations (plus any cash in the escrow fund) are sufficient to meet the liabilities of the obligations;

(4) such cash and United States Government Obligations serving as security for the obligations are held in an escrow fund by an escrow agent or a trustee irrevocably in trust;

(5) such cash and United States Government Obligations are not available to satisfy any other claims, including those against the trustee or escrow agent; and

(6) such obligations are rated in a rating category by Moody's or Standard & Poor's that is no lower than the rating category then assigned by that Rating Agency to United States Government Obligations.

"Derivative" means any investment instrument whose market price is derived from the fluctuating value of an underlying asset, index, currency, futures contract, including futures, options and collateralized mortgage obligations.

"Event of Default" means each of the following occurrences or events:

(a) Payment of the principal and of the redemption premium, if any, of any of the Bonds shall not be made when the same shall become due and payable, either at Stated Maturity or by proceedings for redemption or otherwise;

(b) Payment of any installment of interest on any of the Bonds shall not be made when the same shall become due; or

(c) The Issuer shall default in the due and punctual performance of any other of the covenants, conditions, agreements and provisions contained in the Bonds or in this Bond Resolution on the part of the Issuer to be performed, and such default shall continue for thirty (30) days after written notice specifying such default and requiring same to be remedied shall have been given to the Issuer by the Owner of any of the Bonds then Outstanding.

"Federal Grant" means funds derived from a grant from RD/USDA expected in the amount of $560,000.

"Federal Tax Certificate" means the Issuer's Federal Tax Certificate dated as of the Issue Date, as the same may be amended or supplemented in accordance with the provisions thereof.

"Financeable Costs" means the amount of expenditure for an Improvement which has been duly authorized by action of the governing body of the Issuer to be financed by general obligation bonds, less: (a) the amount of any temporary notes or general obligation bonds of the Issuer which are currently Outstanding and available to pay such Financeable Costs; and (b) any amount of Financeable Costs which has been previously paid by the Issuer or by any eligible source of funds unless such amounts are entitled to be reimbursed to the Issuer under State or federal law.

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

"Funds and Accounts" means funds and accounts created pursuant to or referred to in ***Section 501*** hereof.

"Improvement Fund" means the Improvement Fund for General Obligation Bonds, Series 2019, created pursuant to ***Section 501*** hereof.

"Improvements" means the Current Improvements and Past Improvements referred to in the preamble to the Ordinance.

"Independent Accountant" means an independent certified public accountant or firm of independent certified public accountants at the time employed by the Issuer for the purpose of carrying out the duties imposed on the Independent Accountant by this Bond Resolution.

"Issue Date" means the date when the Issuer delivers the Bonds to the Purchaser in exchange for the Purchase Price.

"Issuer" means the City and any successors or assigns.

"KDHE" means the Kansas Department of Health and Environment.

"KDHE Loan" means the Loan Agreement by and between the Issuer and the Kansas Department of Health and Environment, acting on behalf of the State of Kansas, KPWSLF Project No. 2392.

"Loan Resolution" means the Loan Resolution (Form RUS Bulletin 1780-27) of the Issuer.

"Maturity" when used with respect to any Bond means the date on which the principal of such Bond becomes due and payable as therein and herein provided, whether at the Stated Maturity thereof or call for redemption or otherwise.

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

"Moody's" means Moody's Investors Service, Inc., a corporation organized and existing under the laws of the State of Delaware, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, "Moody's" shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

"Notice Address" means with respect to the following entities:

(a) To the Issuer at:

415 Main, P.O. Box 277
Almena, Kansas 67622-9601
Fax: (785) 669-2275

(b) To the Paying Agent at:

State Treasurer of the State of Kansas
Landon Office Building
900 Southwest Jackson, Suite 201
Topeka, Kansas 66612-1235
Fax: (785) 296-6976

(c) To the Purchaser:

United States of America
Department of Agriculture
4300 Goodfellow Blvd., Bldg. 104
St. Louis, Missouri 63120-1703

or such other address as is furnished in writing to the other parties referenced herein.

"Notice Representative" means:

(a) With respect to the Issuer, the Clerk.

(b) With respect to the Bond Registrar and Paying Agent, the Director of Bond Services.

(c) With respect to the Purchaser, any director or manager of the Finance Office.

"Ordinance" means Ordinance No. ____of the Issuer authorizing the issuance of the Bonds, as amended from time to time.

"Outstanding" means, when used with reference to the Bonds, as of a particular date of determination, all Bonds theretofore authenticated and delivered, except the following Bonds:

(a) Bonds theretofore canceled by the Paying Agent or delivered to the Paying Agent for cancellation;

(b) Bonds deemed to be paid in accordance with the provisions of ***Section 701*** hereof; and

(c) Bonds in exchange for or in lieu of which other Bonds have been authenticated and delivered hereunder.

"Owner" when used with respect to any Bond means the Person in whose name such Bond is registered on the Bond Register.

"Past Improvements" means the past improvements financed by the KDHE Loan, as described in the preamble to the Ordinance.

"Paying Agent" means the State Treasurer, and any successors and assigns, appointed in accordance with ***Section 203*** hereof.

"Permitted Investments" shall mean the investments hereinafter described, provided, however, no moneys or funds shall be invested in a Derivative: (a) investments authorized by K.S.A. 12-1675 and amendments thereto; (b) the municipal investment pool established pursuant to K.S.A. 12-1677a, and amendments thereto; (c) direct obligations of the United States Government or any agency thereof; (d) the Issuer's temporary notes issued pursuant to K.S.A. 10-123 and amendments thereto; (e) interest-bearing time deposits in commercial banks or trust companies located in the county or counties in which the Issuer is located which are insured by the Federal Deposit Insurance Corporation or collateralized by securities described in (c); (f) obligations of the federal national mortgage association, federal home loan banks, federal home loan mortgage corporation or government national mortgage association; (g) repurchase agreements for securities described in (c) or (f); (h) investment agreements or other obligations of a financial institution the obligations of which at the time of investment are rated in either of the three highest rating categories by Moody's or Standard & Poor's; (i) investments and shares or units of a money market fund or trust, the portfolio of which is comprised entirely of securities described in (c) or (f); (j) receipts evidencing ownership interests in securities or portions thereof described in (c) or (f); (k) municipal bonds or other obligations issued by any municipality of the State as defined in K.S.A. 10-1101 which are general obligations of the municipality issuing the same; or (l) bonds of any municipality of the State as defined in K.S.A. 10-1101 which have been refunded in advance of their maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of securities described in (c) or (f), all as may be further restricted or modified by amendments to applicable State law.

"Person" means any natural person, corporation, partnership, joint venture, association, firm, joint-stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof or other public body.

"Purchase Price" means 100% of the principal amount of the Bonds.

"Purchaser" means USDA, or if and to the extent any rights, privileges or duties of USDA hereunder are assigned by USDA pursuant to an assignment of the Loan Resolution, the assignee of USDA.

"RD/USDA" means Rural Development, the United States of America, acting through the United States Department of Agriculture.

"Record Dates" means the fifteenth day (whether or not a Business Day) next preceding each Bond Payment Date.

"Redemption Date" means, when used with respect to any Bond to be redeemed, the date fixed for the redemption of such Bond pursuant to the terms of this Bond Resolution.

"Redemption Price" means, when used with respect to any Bond to be redeemed, the price at which such Bond is to be redeemed pursuant to the terms of this Bond Resolution, including the applicable redemption premium, if any, but excluding installments of interest whose Stated Maturity is on or before the Redemption Date.

"Refunded Notes" means the Series 2017 Notes maturing in the year 2019, in the aggregate principal amount of $1,580,000.

"Refunded Notes Paying Agent" means the paying agent for the Refunded Notes as designated in the Refunded Notes Resolution, and any successor or successors at the time acting as paying agent of the Refunded Notes.

"Refunded Notes Redemption Date" means October 15, 2019.

"Refunded Notes Resolution" means the resolutions which authorized the Refunded Notes.

"Series 2017 Notes" means the City's General Obligation Temporary Notes, Series 2017, dated October 12, 2017.

"Special Record Date" means the date fixed by the Paying Agent pursuant to ***Section 204*** hereof for the payment of Defaulted Interest.

"Standard & Poor's" means Standard & Poor's Ratings Services, a division of McGraw Hill Financial Inc., a corporation organized and existing under the laws of the State of New York, and its successors and assigns, and, if such corporation shall be dissolved or liquidated or shall no longer perform the functions of a securities rating agency, Standard & Poor's shall be deemed to refer to any other nationally recognized securities rating agency designated by the Issuer.

"State" means the state of Kansas.

"State Treasurer" means the duly elected Treasurer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the State.

"Stated Maturity" when used with respect to any Bond or any installment of interest thereon means the date specified in such Bond and this Bond Resolution as the fixed date on which the principal of such Bond or such installment of interest is due and payable as set forth in the Amortization Schedule.

"Treasurer" means the duly appointed and/or elected Treasurer of the Issuer or, in the Treasurer's absence, the duly appointed Deputy Treasurer or acting Treasurer of the Issuer.

"United States Government Obligations" means bonds, notes, certificates of indebtedness, treasury bills or other securities constituting direct obligations of, or obligations the principal of and interest on which are fully and unconditionally guaranteed as to full and timely payment by, the United States of America, including evidences of a direct ownership interest in future interest or principal payment on obligations issued by the United States of America (including the interest component of obligations of the Resolution Funding Corporation), or securities which represent an undivided interest in such obligations, which obligations are rated in the highest rating category by a nationally recognized rating service and such obligations are held in a custodial account for the benefit of the Issuer.

"USDA" means the United States of America, acting through the United States Department of Agriculture.

ARTICLE II

AUTHORIZATION AND DETAILS OF THE BONDS

Section 201. Authorization of the Bonds. The Series 2019 Bonds have been heretofore authorized and directed to be issued pursuant to the Ordinance in the principal amount of $1,620,000 for the purpose of providing funds to: (a) pay a portion of the costs of the Current Improvements; (b) finance the prepayment of the KDHE Loan, and thereby finance a portion of the costs of the Past Improvements, (c) retire the Refunded Notes, and (d) pay the costs of issuance of the Bonds.

Section 202. Description of the Bonds. The Bonds shall consist of fully registered bonds in an Authorized Denomination, and shall be numbered in such manner as the Bond Registrar shall determine. All of the Bonds shall be dated as of the Dated Date, shall become due in the amounts, on the Stated Maturities, subject to redemption and payment prior to their Stated Maturities as provided in ***Article III*** hereof.

The Series 2019 Bonds shall bear interest at the rate of 2.625% per annum (computed on the basis of a 365-day year) from the later of the Dated Date or the most recent Bond Payment Date on which interest has been paid in the manner set forth in ***Section 204*** hereof.

At the option of the Purchaser, the Bonds may be issued as single certificates in the denomination of $1,620,000, or the Outstanding declining principal balance thereof. The principal on such Bond shall be payable on the dates and in the amounts set forth on the Amortization Schedule, provided that the entire remaining principal payments shall become due and payable on the Bond Payment Date in 2059. Interest on such Bonds shall be payable on the Bond Payment Date. If issued as other than as a single certificate with an Amortization Schedule, the Stated Maturities and principal amounts of the Bonds shall be on the dates and in the amounts as set forth in the Amortization Schedule.

Each of the Bonds, as originally issued or issued upon transfer, exchange or substitution, shall be printed in accordance with the format required by the Attorney General of the State and shall be substantially in the form attached hereto as ***EXHIBIT A*** or as may be required by the Attorney General pursuant to the Notice of Systems of Registration for Kansas Municipal Bonds, 2 Kan. Reg. 921 (1983), in accordance with the Kansas Bond Registration Law, K.S.A. 10-620 *et seq.*

Section 203. Designation of Paying Agent and Bond Registrar. The State Treasurer, Topeka, Kansas, is hereby designated as the Paying Agent for the payment of principal of and interest on the Bonds and Bond Registrar with respect to the registration, transfer and exchange of Bonds. The Mayor of the Issuer is hereby authorized and empowered to execute on behalf of the Issuer an agreement with the Bond Registrar and Paying Agent for the Bonds.

The Issuer will at all times maintain a Paying Agent and Bond Registrar meeting the qualifications herein described for the performance of the duties hereunder. The Issuer reserves the right to appoint a successor Paying Agent or Bond Registrar, and shall appoint a successor Paying Agent at the request of USDA, by (a) filing with the Paying Agent or Bond Registrar then performing such function a certified copy of the proceedings giving notice of the termination of such Paying Agent or Bond Registrar and appointing a successor, and (b) causing notice of appointment of the successor Paying Agent and

Bond Registrar to be given by first class mail to each Owner. No resignation or removal of the Paying Agent or Bond Registrar shall become effective until a successor acceptable to USDA has been appointed and has accepted the duties of Paying Agent or Bond Registrar. Each successor Paying Agent shall be approved in writing by USDA before the appointment of such successor Paying Agent shall become effective.

Every Paying Agent or Bond Registrar appointed hereunder shall at all times meet the requirements of K.S.A. 10-501 *et seq.* and K.S.A. 10-620 *et seq.*, respectively.

Section 204. Method and Place of Payment of the Bonds. The principal of, or Redemption Price, and interest on the Bonds shall be payable in any coin or currency which, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. As long as the USDA is the Owner of the Bonds, payments of principal and interest, or the Redemption Price shall be by preauthorized debit or similar banking means or such other manner as is specified by the USDA from time to time.

The principal or Redemption Price of each Bond shall be paid at Maturity to the Person in whose name such Bond is registered on the Bond Register at the Maturity thereof, upon presentation and surrender of such Bond at the principal [corporate trust] office of the Paying Agent. Notwithstanding the foregoing, if a single certificate with an Amortization Schedule is issued, principal will be paid in the same manner as interest is paid and presentation and surrender of the Bond to the Paying Agent shall not be necessary until the final payment of the entire obligation evidenced by such Bond.

The interest payable on each Bond on any Bond Payment Date shall be paid to the Owner of such Bond as shown on the Bond Register at the close of business on the Record Date for such interest (a) by check or draft mailed by the Paying Agent to the address of such Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Owner or (b) in the case of an interest payment to any Owner of $500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank ABA routing number and account number to which such Owner wishes to have such transfer directed.

Notwithstanding the foregoing provisions of this Section, any Defaulted Interest with respect to any Bond shall cease to be payable to the Owner of such Bond on the relevant Record Date and shall be payable to the Owner in whose name such Bond is registered at the close of business on the Special Record Date for the payment of such Defaulted Interest, which Special Record Date shall be fixed as hereinafter specified in this paragraph. The Issuer shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Bond and the date of the proposed payment (which date shall be at least 30 days after receipt of such notice by the Paying Agent) and shall deposit with the Paying Agent at the time of such notice an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment. Following receipt of such funds the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment. The Paying Agent shall promptly notify the Issuer of such Special Record Date and, in the name and at the expense of the Issuer, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, by first class mail, postage prepaid, to each Owner of a Bond entitled to such notice at the address of such Owner as it appears on the Bond Register not less than 10 days prior to such Special Record Date.

The Paying Agent shall keep a record of payment of principal and Redemption Price of and interest on all Bonds and at least annually shall forward a copy or summary of such records to the Issuer.

Section 205. Payments Due on Saturdays, Sundays and Holidays. In any case where a Bond Payment Date is not a Business Day, then payment of principal, Redemption Price or interest need not be made on such Bond Payment Date but may be made on the next succeeding Business Day with the same force and effect as if made on such Bond Payment Date, and no interest shall accrue for the period after such Bond Payment Date.

Section 206. Registration, Transfer and Exchange of Bonds. The Issuer covenants that, as long as any of the Bonds remain Outstanding, it will cause the Bond Register to be kept at the office of the Bond Registrar as herein provided. Each Bond when issued shall be registered in the name of the Owner thereof on the Bond Register.

Bonds may be transferred and exchanged only on the Bond Register as provided in this Section. Upon surrender of any Bond at the principal office of the Bond Registrar, the Bond Registrar shall transfer or exchange such Bond for a new Bond or Bonds in any Authorized Denomination of the same Stated Maturity and in the same aggregate principal amount as the Bond that was presented for transfer or exchange.

Bonds presented for transfer or exchange shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in a form and with guarantee of signature satisfactory to the Bond Registrar, duly executed by the Owner thereof or by the Owner's duly authorized agent.

In all cases in which the privilege of transferring or exchanging Bonds is exercised, the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Bond Resolution. The Issuer shall pay the fees and expenses of the Bond Registrar for the registration, transfer and exchange of Bonds provided for by this Bond Resolution and the cost of printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Bond Registrar, are the responsibility of the Owners of the Bonds. In the event any Owner fails to provide a correct taxpayer identification number to the Paying Agent, the Paying Agent may make a charge against such Owner sufficient to pay any governmental charge required to be paid as a result of such failure. In compliance with Code § 3406, such amount may be deducted by the Paying Agent from amounts otherwise payable to such Owner hereunder or under the Bonds.

The Issuer and the Bond Registrar shall not be required (a) to register the transfer or exchange of any Bond that has been called for redemption after notice of such redemption has been mailed by the Paying Agent pursuant to ***Section 303*** hereof and during the period of 15 days next preceding the date of mailing of such notice of redemption; or (b) to register the transfer or exchange of any Bond during a period beginning at the opening of business on the day after receiving written notice from the Issuer of its intent to pay Defaulted Interest and ending at the close of business on the date fixed for the payment of Defaulted Interest pursuant to ***Section 204*** hereof.

The Issuer and the Paying Agent may deem and treat the Person in whose name any Bond is registered on the Bond Register as the absolute Owner of such Bond, whether such Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal or Redemption Price of and interest on said Bond and for all other purposes. All payments so made to any such Owner or upon the Owner's order shall be valid and effective to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the Issuer nor the Paying Agent shall be affected by any notice to the contrary.

At reasonable times and under reasonable regulations established by the Bond Registrar, the Bond Register may be inspected and copied by the Owners (or a designated representative thereof) of 10% or more in principal amount of the Bonds then Outstanding or any designated representative of such Owners whose authority is evidenced to the satisfaction of the Bond Registrar.

Section 207. Execution, Registration, Authentication and Delivery of Bonds. Each of the Bonds, including any Bonds issued in exchange or as substitutions for the Bonds initially delivered, shall be executed for and on behalf of the Issuer by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of the Clerk, and the seal of the Issuer shall be affixed thereto or imprinted thereon. The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds in the manner herein specified, and to cause the Bonds to be registered in the office of the Clerk, which registration shall be evidenced by the manual or facsimile signature of the Clerk with the seal of the Issuer affixed thereto or imprinted thereon. The Bonds shall also be registered in the office of the State Treasurer, which registration shall be evidenced by the manual or facsimile signature of the State Treasurer with the seal of the State Treasurer affixed thereto or imprinted thereon. In case any officer whose signature appears on any Bonds ceases to be such officer before the delivery of such Bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if such person had remained in office until delivery. Any Bond may be signed by such persons who at the actual time of the execution of such Bond are the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

The Mayor and Clerk are hereby authorized and directed to prepare and execute the Bonds as herein specified, and when duly executed, to deliver the Bonds to the Bond Registrar for authentication.

The Bonds shall have endorsed thereon a certificate of authentication substantially in the form attached hereto as ***EXHIBIT A*** hereof, which shall be manually executed by an authorized officer or employee of the Bond Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds that may be issued hereunder at any one time. No Bond shall be entitled to any security or benefit under this Bond Resolution or be valid or obligatory for any purpose unless and until such certificate of authentication has been duly executed by the Bond Registrar. Such executed certificate of authentication upon any Bond shall be conclusive evidence that such Bond has been duly authenticated and delivered under this Bond Resolution. Upon authentication, the Bond Registrar shall deliver the Bonds to the Purchaser upon instructions of the Issuer or its representative.

Section 208. Mutilated, Lost, Stolen or Destroyed Bonds. If (a) any mutilated Bond is surrendered to the Bond Registrar or the Bond Registrar receives evidence to its satisfaction of the destruction, loss or theft of any Bond, and (b) there is delivered to the Issuer and the Bond Registrar such security or indemnity as may be required by each of them, then, in the absence of notice to the Issuer or the Bond Registrar that such Bond has been acquired by a bona fide purchaser, the Issuer shall execute and, upon the Issuer's request, the Bond Registrar shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of the same Stated Maturity and of like tenor and principal amount.

If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the Issuer, in its discretion, may pay such Bond instead of issuing a new Bond.

Upon the issuance of any new Bond under this Section, the Issuer and the Paying Agent may require the payment by the Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Paying Agent) connected therewith.

Every new Bond issued pursuant to this Section shall constitute a replacement of the prior obligation of the Issuer, and shall be entitled to all the benefits of this Bond Resolution equally and ratably with all other Outstanding Bonds.

Section 209. Cancellation and Destruction of Bonds Upon Payment. All Bonds that have been paid or redeemed or that otherwise have been surrendered to the Paying Agent, either at or before Maturity, shall be cancelled by the Paying Agent immediately upon the payment, redemption and surrender thereof to the Paying Agent and subsequently destroyed in accordance with the customary practices of the Paying Agent. The Paying Agent shall execute a certificate in duplicate describing the Bonds so cancelled and destroyed and shall file an executed counterpart of such certificate with the Issuer.

Section 210. Nonpresentment of Bonds. If any Bond is not presented for payment when the principal thereof becomes due at Maturity, if funds sufficient to pay such Bond have been made available to the Paying Agent all liability of the Issuer to the Owner thereof for the payment of such Bond shall forthwith cease, determine and be completely discharged, and thereupon it shall be the duty of the Paying Agent to hold such funds, without liability for interest thereon, for the benefit of the Owner of such Bond, who shall thereafter be restricted exclusively to such funds for any claim of whatever nature on his part under this Bond Resolution or on, or with respect to, said Bond. If any Bond is not presented for payment within four (4) years following the date when such Bond becomes due at Maturity, the Paying Agent shall repay, without liability for interest thereon, to the Issuer the funds theretofore held by it for payment of such Bond, and such Bond shall, subject to the defense of any applicable statute of limitation, thereafter be an unsecured obligation of the Issuer, and the Owner thereof shall be entitled to look only to the Issuer for payment, and then only to the extent of the amount so repaid to it by the Paying Agent, and the Issuer shall not be liable for any interest thereon and shall not be regarded as a trustee of such money.

Section 211. Loan Resolution. So long as USDA is the Owner of any of the Bonds, the Issuer shall be subject to the separate Loan Resolution executed and entered into by it at closing of the issuance of the Bonds in accordance with the Loan Resolution. The provisions of the Loan Resolution and the provisions of this Bond Resolution are to be construed wherever possible so that they will not be in conflict. In the event such a construction is not possible, the provisions of the Loan Resolution shall prevail.

ARTICLE III

REDEMPTION OF BONDS

Section 301. Redemption by Issuer.

(a) ***Optional Redemption***. At the option of the Issuer, the Bonds (including installments of principal set forth on the Amortization Schedule) may be called for redemption and payment prior to the Stated Maturity as a whole or in part (selection of principal installments and amounts to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time at the Redemption Price of 100% (expressed as a percentage of the principal amount), plus accrued interest thereon to the Redemption Date.

(b) ***Mandatory Redemption.*** The Issuer acknowledges the provisions of 7 U.S.C. 1983(3) and right of USDA to require the redemption of the entire unpaid principal amount of the Bonds in accordance therewith.

Section 302. Selection of Bonds to be Redeemed.

(a) In the event the Issuer desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Bond Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption. The Paying Agent may in its discretion waive such notice period so long as the notice requirements set forth in ***Section 303*** are met.

(b) Bonds shall be redeemed only in an Authorized Denomination. When less than all of the Bonds are to be redeemed and paid prior to their Stated Maturity, such Bonds shall be redeemed in such manner as the Issuer shall determine. Bonds of less than a full Stated Maturity shall be selected by the Bond Registrar in a minimum Authorized Denomination of principal amount in such equitable manner as the Bond Registrar may determine.

(c) In the case of a partial redemption of Bonds, the Owner of a single certificate with Amortization Schedule need not submit such certificate for re-registration. In the case of a partial redemption of any other Bonds by lot when Bonds of denominations greater than a minimum Authorized Denomination are then Outstanding, then for all purposes in connection with such redemption each a minimum Authorized Denomination of face value shall be treated as though it were a separate Bond of the denomination of a minimum Authorized Denomination. If it is determined that one or more, but not all, of a minimum Authorized Denomination of face value represented by any Bond is selected for redemption, then upon notice of intention to redeem such a minimum Authorized Denomination, the Owner or the Owner's duly authorized agent shall forthwith present and surrender such Bond to the Bond Registrar: (1) for payment of the Redemption Price and interest to the Redemption Date of such a minimum Authorized Denomination of face value called for redemption, and (2) for exchange, without charge to the Owner thereof, for a new Bond or Bonds of the aggregate principal amount of the unredeemed portion of the principal amount of such Bond. If the Owner of any such Bond fails to present such Bond to the Paying Agent for payment and exchange as aforesaid, such Bond shall, nevertheless, become due and payable on the redemption date to the extent of a minimum Authorized Denomination of face value called for redemption (and to that extent only).

Section 303. Notice and Effect of Call for Redemption. In the event the Issuer desires to call the Bonds for redemption prior to maturity, written notice of such intent shall be provided to the Bond Registrar in accordance with K.S.A. 10-129, as amended, not less than 45 days prior to the Redemption Date. The Bond Registrar shall call Bonds for redemption and payment and shall give notice of such redemption as herein provided upon receipt by the Bond Registrar at least 45 days prior to the Redemption Date of written instructions of the Issuer specifying the principal amount, Stated Maturities, Redemption Date and Redemption Prices of the Bonds to be called for redemption.

Unless waived by any Owner of Bonds to be redeemed, if the Issuer shall call any Bonds for redemption and payment prior to the Stated Maturity thereof, the Issuer shall give written notice of its intention to call and pay said Bonds to the Bond Registrar and the Purchaser. In addition, the Issuer shall cause the Bond Registrar to give written notice of redemption to the Owners of said Bonds. Each of said written notices shall be deposited in the United States first class mail not less than 30 days prior to the Redemption Date.

All official notices of redemption shall be dated and shall contain the following information:

(a) the Redemption Date;

(b) the Redemption Price;

(c) if less than all Outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption of any Bonds, the respective principal amounts) of the Bonds to be redeemed;

(d) a statement that on the Redemption Date the Redemption Price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after the Redemption Date; and

(e) the place where such Bonds are to be surrendered for payment of the Redemption Price, which shall be the principal office of the Paying Agent.

The failure of any Owner to receive notice given as heretofore provided or an immaterial defect therein shall not invalidate any redemption.

Prior to any Redemption Date, the Issuer shall deposit with the Paying Agent an amount of money sufficient to pay the Redemption Price of all the Bonds or portions of Bonds that are to be redeemed on such Redemption Date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds to be redeemed shall become due and payable on the Redemption Date, at the Redemption Price therein specified, and from and after the Redemption Date (unless the Issuer defaults in the payment of the Redemption Price) such Bonds or portion of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with such notice, the Redemption Price of such Bonds shall be paid by the Paying Agent. Installments of interest due on or prior to the Redemption Date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the Owner a new Bond or Bonds of the same Stated Maturity in the amount of the unpaid principal as provided herein. All Bonds that have been surrendered for redemption shall be cancelled and destroyed by the Paying Agent as provided herein and shall not be reissued.

In addition to the foregoing notice, further notice may be given by the Issuer or the Bond Registrar on behalf of the Issuer as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if official notice thereof is given as above prescribed:

(a) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (1) the CUSIP numbers of all Bonds being redeemed; (2) the date of issue of the Bonds as originally issued; (3) the rate of interest borne by each Bond being redeemed; (4) the maturity date of each Bond being redeemed; and (5) any other descriptive information needed to identify accurately the Bonds being redeemed.

(b) Each further notice of redemption shall be sent at least one day before the mailing of notice to Owners by first class, registered or certified mail or overnight delivery, as determined by the Bond Registrar, to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds and to one or more national information services that disseminate notices of redemption of obligations such as the Bonds.

(c) Each check or other transfer of funds issued for the payment of the Redemption Price of Bonds being redeemed shall bear or have enclosed the CUSIP number of the Bonds being redeemed with the proceeds of such check or other transfer.

The Paying Agent is also directed to comply with any mandatory standards then in effect for processing redemptions of municipal securities established by the State or the Securities and Exchange Commission. Failure to comply with such standards shall not affect or invalidate the redemption of any Bond.

ARTICLE IV

SECURITY FOR BONDS

Section 401. Security for the Bonds. The Bonds shall be general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are hereby irrevocably pledged for the prompt payment of the principal of and interest on the Bonds as the same become due.

Section 402. Levy and Collection of Annual Tax; Transfer to Debt Service Account. The governing body of the Issuer shall annually make provision for the payment of principal of, premium, if any, and interest on the Bonds as the same become due by, to the extent necessary, levying and collecting the necessary taxes upon all of the taxable tangible property within the Issuer in the manner provided by law.

The taxes referred to above shall be extended upon the tax rolls in each of the several years, respectively, and shall be levied and collected at the same time and in the same manner as the other ad valorem taxes of the Issuer are levied and collected. The proceeds derived from said taxes shall be deposited in the Bond and Interest Fund, shall be kept separate and apart from all other funds of the Issuer shall thereafter be transferred to the Debt Service Account and shall be used solely for the payment of the principal of and interest on the Bonds as and when the same become due, taking into account any scheduled mandatory redemptions, and the fees and expenses of the Paying Agent.

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

ARTICLE V

ESTABLISHMENT OF FUNDS AND ACCOUNTS DEPOSIT AND APPLICATION OF BOND PROCEEDS AND OTHER MONEYS

Section 501. Creation of Funds and Accounts. Simultaneously with the issuance of the Bonds, there shall be created within the Treasury of the Issuer the following Funds and Accounts:

(a) Improvement Fund for General Obligation Bonds, Series 2019;

(b) Debt Service Account for General Obligation Bonds, Series 2019 (within the Bond and Interest Fund);

(c) Costs of Issuance Account for General Obligation Bonds, Series 2019.

The Funds and Accounts established herein shall be administered in accordance with the provisions of this Bond Resolution so long as the Bonds are Outstanding.

Section 502. Deposit of Bond Proceeds and Other Moneys. The net proceeds received from the sale of the Bonds shall be deposited simultaneously with the delivery of the Bonds as follows:

(a) All accrued interest received from the sale of the Bonds shall be deposited in the Debt Service Account.

(b) The sum of $15,000 shall be deposited in the Costs of Issuance Account.

(c) The remaining balance of the proceeds derived from the sale of the Bonds ($1,605,000) shall be deposited in the Improvement Fund.

(d) In addition to proceeds of the Bonds, the Issuer will use proceeds of a Federal Grant in an amount of $560,000 to pay a portion of the costs of the Improvements.

Section 503. Application of Moneys in the Improvement Fund. Moneys in the Improvement Fund shall be used for the sole purpose of: (a) paying the costs of the Improvements, in accordance with the plans and specifications therefor prepared by the Consulting Engineer heretofore approved by the governing body of the Issuer and on file in the office of the Clerk, including any alterations in or amendments to said plans and specifications deemed advisable and approved by the governing body of the Issuer; and (b) retiring the Refunded Notes on the Refunded Notes Redemption Date.

Withdrawals from the Improvement Fund shall be made only when authorized by the governing body of the Issuer. Each authorization for costs of the Improvements shall be supported by a certificate executed by the Clerk (or designate) stating that such payment is being made for a purpose within the scope of this Bond Resolution and that the amount of such payment represents only the contract price of the property, equipment, labor, materials or service being paid for or, if such payment is not being made pursuant to an express contract, that such payment is not in excess of the reasonable value thereof. Authorizations for withdrawals for other authorized purposes shall be supported by a certificate executed by the Clerk (or designate) stating that such payment is being made for a purpose within the scope of this Bond Resolution.

Upon completion of the Improvements and the redemption of the Refunded Notes, any surplus remaining in the Improvement Fund: (a) consisting of proceeds of the Federal Grant shall be returned to the grantor thereof; and (b) consisting of proceeds of the Bonds shall be deposited in the Debt Service Account.

Section 504. Application of Moneys in Debt Service Account. All amounts paid and credited to the Debt Service Account shall be expended and used by the Issuer for the sole purpose of paying the principal or Redemption Price of and interest on the Bonds as and when the same become due and the usual and customary fees and expenses of the Bond Registrar and Paying Agent. The Treasurer is authorized and directed to withdraw from the Debt Service Account sums sufficient to pay both principal or Redemption Price of and interest on the Bonds and the fees and expenses of the Bond Registrar and

Paying Agent as and when the same become due, and to forward such sums to the Paying Agent in a manner which ensures that the Paying Agent will receive immediately available funds in such amounts on or before the Business Day immediately preceding the dates when such principal, interest and fees of the Bond Registrar and Paying Agent will become due. If, through the lapse of time or otherwise, the Owners of Bonds are no longer entitled to enforce payment of the Bonds or the interest thereon, the Paying Agent shall return said funds to the Issuer. All moneys deposited with the Paying Agent shall be deemed to be deposited in accordance with and subject to all of the provisions contained in this Bond Resolution and shall be held in trust by the Paying Agent for the benefit of the Owners of the Bonds entitled to payment from such moneys.

Any moneys or investments remaining in the Debt Service Account after the retirement of the Bonds shall be transferred and paid into the Bond and Interest Fund.

Section 505. Application of Moneys in the Costs of Issuance Account. Moneys in the Costs of Issuance Accounts shall be used by the Issuer to pay the Costs of Issuance. Any funds remaining in the Costs of Issuance Accounts, after payment of all Costs of Issuance, but not later than 30 days prior to the first Bond Payment Date, shall be transferred to the Debt Service Account.

Section 506. Deposits and Investment of Moneys.

(a) Moneys in each of the Funds and Accounts shall be deposited in accordance with laws of the State, in a bank, savings and loan association or savings bank organized under the laws of the State, any other state or the United States: (a) which has a main or branch office located in the Issuer; or (b) if no such entity has a main or branch office located in the Issuer, with such an entity that has a main or branch office located in the county or counties in which the Issuer is located. All such depositaries shall be members of the Federal Deposit Insurance Corporation, or otherwise as permitted by State law. All such deposits shall be invested in Permitted Investments as set forth in this Article or shall be adequately secured as provided by the laws of the State. All moneys held in the Funds and Accounts shall be kept separate and apart from all other funds of the Issuer so that there shall be no commingling with any other funds of the Issuer.

(b) Moneys held in any Fund or Account may be invested in accordance with this Bond Resolution and the Federal Tax Certificate, in Permitted Investments; 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 was created. All earnings on any investments held in any Fund or Account shall accrue to and become a part of such Fund or Account; provided that, during the period of construction of the Improvements, earnings on the investment of such funds shall be credited to the Debt Service Account.

ARTICLE VI

DEFAULT AND REMEDIES

Section 601. Remedies. The provisions of the Bond Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Issuer and the Owners of the Bonds. If an Event of Default occurs and shall be continuing, the Owner or Owners of not less than 10% in principal amount of the Bonds at the time Outstanding shall have the right for the equal benefit and protection of all Owners of Bonds similarly situated:

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of such Owner or Owners against the Issuer and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of the Bond Resolution or by the Constitution and laws of the State;

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

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

Section 602. Limitation on Rights of Owners. The covenants and agreements of the Issuer contained herein and in the Bonds shall be for the equal benefit, protection, and security of the Owners of any or all of the Bonds, all of which Bonds shall be of equal rank and without preference or priority of one Bond over any other Bond in the application of the funds herein pledged to the payment of the principal of and the interest on the Bonds, or otherwise, except as to rate of interest, date of maturity and right of prior redemption as provided in this Bond Resolution. No one or more Owners secured hereby shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the security granted and provided for herein, or to enforce any right hereunder, except in the manner herein provided, and all proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Outstanding Bonds.

Section 603. Remedies Cumulative. No remedy conferred herein upon the Owners is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Owner of any Bond shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of any Owner 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 Owners of the Bonds by this Bond Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. If action or proceedings taken by any Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or shall have been determined adversely to such Owner, then, and in every such case, the Issuer and the Owners of the Bonds shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers and duties of the Owners shall continue as if no such suit, action or other proceedings had been brought or taken.

ARTICLE VII

DEFEASANCE

Section 701. Defeasance. When any or all of the Bonds, redemption premium, if any, or scheduled interest payments thereon have been paid and discharged, then the requirements contained in this Bond Resolution and the pledge of the Issuer's faith and credit hereunder and all other rights granted hereby shall terminate with respect to the Bonds or scheduled interest payments thereon so paid and discharged. Bonds, redemption premium, if any, or scheduled interest payments thereon shall be deemed to have been paid and discharged within the meaning of this Bond Resolution if there has been deposited with the Paying Agent, or other commercial bank or trust company located in the State and having full

trust powers, at or prior to the Stated Maturity or Redemption Date of said Bonds or the interest payments thereon, in trust for and irrevocably appropriated thereto, moneys and/or Defeasance Obligations which, together with the interest to be earned on any such Defeasance Obligations, will be sufficient for the payment of the principal of or Redemption Price of said Bonds and/or interest accrued to the Stated Maturity or Redemption Date, or if default in such payment has occurred on such date, then to the date of the tender of such payments. If the amount to be so deposited is based on the Redemption Price of any Bonds, no such satisfaction shall occur until (a) the Issuer has elected to redeem such Bonds, and (b) either notice of such redemption has been given, or the Issuer has given irrevocable instructions, or shall have provided for an escrow agent to give irrevocable instructions, to the Bond Registrar to give such notice of redemption in compliance with ***Section 302(a)*** of this Bond Resolution. Any money and Defeasance Obligations that at any time shall be deposited with the Paying Agent or other commercial bank or trust company by or on behalf of the Issuer, for the purpose of paying and discharging any of the Bonds, shall be and are hereby assigned, transferred and set over to the Paying Agent or other bank or trust company in trust for the respective Owners of the Bonds, and such moneys shall be and are hereby irrevocably appropriated to the payment and discharge thereof. All money and Defeasance Obligations deposited with the Paying Agent or such bank or trust company shall be deemed to be deposited in accordance with and subject to all of the provisions of this Bond Resolution.

Notwithstanding anything in this Bond Resolution to the contrary, so long as any of the Bonds are owned or insured by USDA, the Issuer will not issue any additional bonds or other obligations for the purpose of providing funds to refund all or a part of the Bonds unless either: (a) all of the Bonds are paid, retired and cancelled concurrently with the issuance of such refunding bonds or obligations or at the next occurring Stated Maturity; or (b) written consent to the issuance of such refunding bonds or obligations is given by USDA.

ARTICLE VIII

TAX COVENANTS

Section 801. General Covenants. The Issuer covenants and agrees that it will comply with: (a) all applicable provisions of the Code necessary to maintain the exclusion from gross income for federal income tax purposes of the interest on the Bonds; and (b) all provisions and requirements of the Federal Tax Certificate. The Mayor and Clerk are hereby authorized and directed to execute the Federal Tax Certificate in a form approved by Bond Counsel, for and on behalf of and as the act and deed of the Issuer. The Issuer will, in addition, adopt such other ordinances or resolutions and take such other actions as may be necessary to comply with the Code and with all other applicable future laws, regulations, published rulings and judicial decisions, in order to ensure that the interest on the Bonds will remain excluded from federal gross income, to the extent any such actions can be taken by the Issuer.

Section 802. Survival of Covenants. The covenants contained in this Article and in the Federal Tax Certificate shall remain in full force and effect notwithstanding the defeasance of the Bonds pursuant to ***Article VII*** hereof or any other provision of this Bond Resolution until such time as is set forth in the Federal Tax Certificate.

ARTICLE IX

MISCELLANEOUS PROVISIONS

Section 901. Insurance; Fidelity Bond Coverage. The Issuer will carry and maintain such reasonable amount of all-risk insurance on all properties constituting the Improvements insofar as they are of an insurable nature as would be carried by a municipality with similar property and performing similar functions; and in the event of loss or damage, the Issuer will use the proceeds of such insurance to reconstruct or replace the damaged or destroyed property, or if such reconstruction or replacement be unnecessary, then such proceeds shall be used in redeeming or paying off Outstanding Bonds. The Issuer also will carry general liability insurance in amounts not less than the then maximum liability of a governmental entity for claims arising out of a single occurrence, as provided by the Kansas tort claims act or other similar future law (currently $500,000 per occurrence).

So long as the Bonds are owned or insured by USDA, all officers and employees of the Issuer handling the Funds and Accounts shall be bonded in each Fiscal Year in an amount not less than the total Debt Service Requirements on the Outstanding Bonds, until the final maturity date of the Outstanding Bonds or such other amount as is agreed to by USDA.

As long as any of the Bonds owned or insured by USDA remain Outstanding, the Issuer will annually submit a report of its insurance and fidelity bond coverage to USDA for review and approval.

Section 902. Annual Audit. Annually, promptly after the end of the Fiscal Year, the Issuer will cause an audit to be made of its Funds and Accounts for the preceding Fiscal Year by an Independent Accountant. As long as any of the Bonds owned or insured by USDA remain Outstanding, such audit to be performed in accordance with RUS Staff Instruction 1780-4 and in accordance with 2 CFR Part 200, as adopted by USDA through 2 CFR Part 400.

Within 30 days after the completion of each such audit, a copy thereof shall be filed in the office of the Clerk and a duplicate copy of the audit shall be mailed to USDA. Such audit shall at all times during the usual business hours be open to the examination and inspection by any taxpayer, any Owner of any of the Bonds, or by anyone acting for or on behalf of such taxpayer or Owner. Upon payment of the reasonable cost of preparing and mailing the same, a copy of any annual audit will, upon request, be sent to any Owner or prospective Owner.

As soon as possible after the completion of the annual audit, the governing body of the Issuer shall review such audit, and if the audit discloses that proper provision has not been made for all of the requirements of this Bond Resolution, the Issuer shall promptly cure such deficiency.

Section 903. USDA Deemed to be Owner. So long as any of the Bonds are owned or insured by USDA remain Outstanding, USDA shall be deemed to be an Owner of such Bond.

Section 904. Sale, Disposition or Use of the Improvements.
So long as any of the Bonds are owned or insured by USDA remain Outstanding, the Issuer will not sell, lease or otherwise dispose of the Improvements to any nongovernmental person or entity without the prior written consent of USDA.

Section 905. Amendments. The rights and duties of the Issuer and the Owners, and the terms and provisions of the Bonds or of this Bond Resolution, may be amended or modified at any time in any respect by resolution of the Issuer with the written consent of the Owners of not less than a majority in

principal amount of the Bonds then Outstanding, such consent to be evidenced by an instrument or instruments executed by such Owners and duly acknowledged or proved in the manner of a deed to be recorded, and such instrument or instruments shall be filed with the Clerk, but no such modification or alteration shall:

(a) extend the maturity of any payment of principal or interest due upon any Bond;

(b) effect a reduction in the amount which the Issuer is required to pay as principal of or interest on any Bond;

(c) permit preference or priority of any Bond over any other Bond; or

(d) reduce the percentage in principal amount of Bonds required for the written consent to any modification or alteration of the provisions of this Bond Resolution.

Any provision of the Bonds or of this Bond Resolution may, however, be amended or modified by resolution duly adopted by the governing body of the Issuer at any time in any legal respect with the written consent of the Owners of all of the Bonds at the time Outstanding.

Without notice to or the consent of any Owners, the Issuer may amend or supplement this Bond Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity herein, to grant to or confer upon the Owners any additional rights, remedies, powers or authority that may lawfully be granted to or conferred upon the Owners, to more precisely identify the Improvements, to reallocate proceeds of the Bonds among Improvements, to conform this Bond Resolution to the Code or future applicable federal law concerning tax-exempt obligations, or in connection with any other change therein which is not materially adverse to the interests of the Owners.

Every amendment or modification of the provisions of the Bonds or of this Bond Resolution, to which the written consent of the Owners is given, as above provided, shall be expressed in a resolution adopted by the governing body of the Issuer amending or supplementing the provisions of this Bond Resolution and shall be deemed to be a part of this Bond Resolution. A certified copy of every such amendatory or supplemental resolution, if any, and a certified copy of this Bond Resolution shall always be kept on file in the office of the Clerk, and shall be made available for inspection by the Owner of any Bond or a prospective purchaser or owner of any Bond authorized by this Bond Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental resolution or of this Bond Resolution will be sent by the Clerk to any such Owner or prospective Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the resolution of the Issuer hereinabove provided for, duly certified, as well as proof of any required consent to such modification by the Owners of the Bonds then Outstanding. It shall not be necessary to note on any of the Outstanding Bonds any reference to such amendment or modification.

The Issuer shall furnish to the Paying Agent a copy of any amendment to the Bonds or this Bond Resolution which affects the duties or obligations of the Paying Agent under this Bond Resolution.

Section 906. Notices, Consents and Other Instruments by Owners. Any notice, consent, request, direction, approval or other instrument to be signed and executed by the Owners may be in any number of concurrent writings of similar tenor and may be signed or executed by such Owners in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing

appointing any such agent and of the ownership of Bonds, if made in the following manner, shall be sufficient for any of the purposes of this Bond Resolution, and shall be conclusive in favor of the Issuer and the Paying Agent with regard to any action taken, suffered or omitted under any such instrument, namely:

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution.

(b) The fact of ownership of Bonds, the amount or amounts, numbers and other identification of Bonds, and the date of holding the same shall be proved by the Bond Register.

In determining whether the Owners of the requisite principal amount of Bonds Outstanding have given any request, demand, authorization, direction, notice, consent or waiver under this Bond Resolution, Bonds owned by the Issuer shall be disregarded and deemed not to be Outstanding under this Bond Resolution, except that, in determining whether the Owners shall be protected in relying upon any such request, demand, authorization, direction, notice, consent or waiver, only Bonds which the Owners know to be so owned shall be so disregarded. Notwithstanding the foregoing, Bonds so owned which have been pledged in good faith shall not be disregarded as aforesaid if the pledgee establishes to the satisfaction of the Owners the pledgee's right so to act with respect to such Bonds and that the pledgee is not the Issuer.

Section 907. Notices. Any notice, request, complaint, demand or other communication required or desired to be given or filed under this Bond Resolution shall be in writing, given to the Notice Representative at the Notice Address and shall be deemed duly given or filed if the same shall be: (a) duly mailed by registered or certified mail, postage prepaid; or (b) communicated via fax, with electronic or telephonic confirmation of receipt. Copies of such notices shall also be given to the Paying Agent. The Issuer, the Paying Agent and the Purchaser may from time to time designate, by notice given hereunder to the others of such parties, such other address to which subsequent notices, certificates or other communications shall be sent.

All notices given by: (a) certified or registered mail as aforesaid shall be deemed duly given as of the date they are so mailed; (b) fax as aforesaid shall be deemed duly given as of the date of confirmation of receipt. If, because of the temporary or permanent suspension of regular mail service or for any other reason, it is impossible or impractical to mail any notice in the manner herein provided, then such other form of notice as shall be made with the approval of the Paying Agent shall constitute a sufficient notice.

Section 908. Electronic Transactions. The issuance of the Bonds and the transactions related thereto and described herein may be conducted and documents may be stored by electronic means.

Section 909. Further Authority. The officers and officials of the Issuer, including the Mayor and Clerk, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Bond Resolution and to make ministerial alterations, changes or additions in the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they may approve, and the execution or taking of such action shall be conclusive evidence of such necessity or advisability.

Section 910. Severability. If any section or other part of this Bond Resolution, whether large or small, is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Bond Resolution.

Section 911. Governing Law. This Bond Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State.

Section 912. Effective Date. This Bond Resolution shall take effect and be in full force from and after its adoption by the governing body of the Issuer.

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ADOPTED by the governing body of the Issuer on September 9, 2019.

(SEAL)

Mayor

ATTEST:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Bond Resolution of the Issuer adopted by the governing body on September 9, 2019 as the same appears of record in my office.

DATED: September 9, 2019.

Clerk

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SCHEDULE I

AMORTIZATION SCHEDULE

Stated Maturity	Principal Amount	Outstanding Balance
		$1,620,000.00
9/26/2020	$23,375.58	1,596,624.42
9/26/2021	23,989.19	1,572,635.23
9/26/2022	24,618.91	1,548,016.32
9/26/2023	25,265.15	1,522,751.17
9/26/2024	25,928.37	1,496,822.80
9/26/2025	26,608.98	1,470,213.82
9/26/2026	27,307.47	1,442,906.35
9/26/2027	28,024.29	1,414,882.06
9/26/2028	28,759.93	1,386,122.13
9/26/2029	29,514.88	1,356,607.25
9/26/2030	30,289.64	1,326,317.61
9/26/2031	31,084.75	1,295,232.86
9/26/2032	31,900.72	1,263,332.14
9/26/2033	32,738.11	1,230,594.03
9/26/2034	33,597.49	1,196,996.54
9/26/2035	34,479.42	1,162,517.12
9/26/2036	35,384.51	1,127,132.61
9/26/2037	36,313.35	1,090,819.26
9/26/2038	37,266.58	1,053,552.68
9/26/2039	38,244.83	1,015,307.85
9/26/2040	39,248.75	976,059.10
9/26/2041	40,279.03	935,780.07
9/26/2042	41,336.36	894,443.71
9/26/2043	42,421.44	852,022.27
9/26/2044	43,535.00	808,487.27
9/26/2045	44,677.79	763,809.48
9/26/2046	45,850.58	717,958.90
9/26/2047	47,054.16	670,904.74
9/26/2048	48,289.33	622,615.41
9/26/2049	49,556.93	573,058.48
9/26/2050	50,857.80	522,200.68
9/26/2051	52,192.82	470,007.86
9/26/2052	53,562.88	416,444.98
9/26/2053	54,968.90	361,476.08
9/26/2054	56,411.84	305,064.24
9/26/2055	57,892.65	247,171.59
9/26/2056	59,412.33	187,759.26
9/26/2057	60,971.90	126,787.36
9/26/2058	62,572.42	64,214.94
9/26/2059	64,214.94	0.00

EXHIBIT A
(FORM OF BONDS)

REGISTERED
NUMBER __

REGISTERED
$

UNITED STATES OF AMERICA
STATE OF KANSAS
COUNTY OF NORTON
CITY OF ALMENA
GENERAL OBLIGATION BOND
SERIES 2019

Interest Rate:	**Maturity Date:**	**Dated Date: September 26, 2019**	**CUSIP:**

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Almena, in the County of Norton, State of Kansas (the "Issuer"), for value received, hereby acknowledges itself to be indebted and promises to pay to the Registered Owner shown above, or registered assigns, but solely from the source and in the manner herein specified, the Principal Amount shown above on the Stated Maturities set forth on the Amortization Schedule printed hereon, unless called for redemption prior to the Maturity Date shown above, and to pay interest thereon at the Interest Rate per annum shown above (computed on the basis of a 365-day year), from the Dated Date shown above, or from the most recent date to which interest has been paid or duly provided for, payable annually on the anniversary of the Dated Date of each year (the "Bond Payment Date"), commencing on the anniversary of the Dated Date in 2020 until the entire Principal Amount has been paid in full.

Method and Place of Payment. The installments of principal and interest payable on this Bond shall be paid on any Bond Payment Date shall be paid by the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar") to the person in whose name this Bond is registered on the registration books maintained by the Bond Registrar at the close of business on the Record Date(s), which shall be the 15th day (whether or not a business day) next preceding each Bond Payment Date. Such principal of and/or interest shall be payable (a) by check or draft mailed by the Paying Agent to the address of such Registered Owner shown on the Bond Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner or, (b) in the case of an interest payment to any Owner of $500,000 or more in aggregate principal amount of Bonds, by electronic transfer to such Owner upon written notice given to the Bond Registrar by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank, ABA routing number and account number to which such Registered Owner wishes to have such transfer

directed. The final payment of principal of this Bond, whether at the Maturity Date set forth above or upon earlier redemption shall be made upon presentation and surrender of this Bond at the principal office of the Paying Agent. The principal or redemption price of and interest on this Bond shall be payable in any coin or currency that, on the respective dates of payment thereof, is legal tender for the payment of public and private debts. Interest not punctually paid will be paid in the manner established in the within defined Bond Resolution. As long as the USDA is the Owner of the Bond, payments of principal or the Redemption Price shall be by preauthorized debit or similar banking means or such other manner as is specified by the USDA from time to time as long as it is the Owner of the Bond.

Definitions. Capitalized terms used herein and not otherwise defined herein shall have the meanings assigned to such terms in the hereinafter defined Bond Resolution.

ADDITIONAL PROVISIONS OF THIS BOND ARE CONTINUED ON THE REVERSE HEREOF AND SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH AT THIS PLACE.

Authentication. This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the hereinafter defined Bond Resolution until the Certificate of Authentication and Registration hereon shall have been lawfully executed by the Bond Registrar.

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 the Issuer, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the Issuer has caused this Bond to be executed by the manual or facsimile signature of its Mayor and attested by the manual or facsimile signature of its Clerk, and its seal to be affixed hereto or imprinted hereon.

CITY OF ALMENA, KANSAS

(Facsimile Seal)

By: _____ (facsimile)
Mayor

ATTEST:

By: _____ (facsimile)
Clerk

CERTIFICATE OF AUTHENTICATION AND REGISTRATION

This Bond is one of a series of General Obligation Bonds, Series 2019, of the City of Almena, Kansas, described in the within-mentioned Bond Resolution.

Registration Date _____

Treasurer of the State of Kansas,
Topeka, Kansas
as Bond Registrar and Paying Agent

By _____

Registration Number _____

(FORM OF REVERSE SIDE OF BOND)

ADDITIONAL PROVISIONS

Authorization of Bonds. This Bond is one of an authorized series of Bonds of the Issuer designated "General Obligation Bonds, Series 2019," aggregating the principal amount of $1,620,000 (the "Bonds") issued for the purposes set forth in the Ordinance of the Issuer authorizing the issuance of the Bonds and the Resolution of the Issuer prescribing the form and details of the Bonds (jointly, the "Bond Resolution"). The Bonds are issued by the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and laws of the State of Kansas, including K.S.A. 10-620 *et seq.*, K.S.A. 65-163d through 65-163u, K.S.A. 12-101 *et seq.*, Article 12, Section 5 of the Kansas Constitution, as amended, and all other provisions of the laws of the State of Kansas applicable thereto.

General Obligations. The Bonds constitute general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are hereby pledged for the payment of the principal of and interest on this Bond and the issue of which it is a part as the same respectively become due.

Redemption Prior to Maturity. The Bonds are subject to redemption prior to maturity, as set forth in the bond resolution.

Transfer and Exchange. This Bond may be transferred or exchanged, as provided in the Bond Resolution, only on the Bond Register kept for that purpose at the principal office of the Bond Registrar, upon surrender of this Bond, together with a written instrument of transfer or authorization for exchange satisfactory to the Bond Registrar duly executed by the Registered Owner or the Registered Owner's duly authorized agent, and thereupon a new Bond or Bonds in any authorized denomination of the same maturity and in the same aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Bond Resolution and upon payment of the charges therein prescribed. The Issuer shall pay all costs incurred in connection with the issuance, payment and initial registration of the Bonds and the cost of a reasonable supply of bond blanks. The Issuer and the Paying Agent may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest

due hereon and for all other purposes. The Bonds are issued in fully registered form in Authorized Denominations.

LEGAL OPINION

The following is a true and correct copy of the approving legal opinion of Gilmore & Bell, P.C., Bond Counsel, which was dated and issued as of the date of original issuance and delivery of such Bonds:

GILMORE & BELL, P.C.
Attorneys at Law
100 N. Main Suite 800
Wichita, Kansas 67202

(PRINTED LEGAL OPINION)

BOND ASSIGNMENT

FOR VALUE RECEIVED, the undersigned do(es) hereby sell, assign and transfer to

_____
(Name and Address)

_____
(Social Security or Taxpayer Identification No.)

the Bond to which this assignment is affixed in the outstanding principal amount of $_____, standing in the name of the undersigned on the books of the Bond Registrar. The undersigned do(es) hereby irrevocably constitute and appoint _____ as agent to transfer said Bond on the books of said Bond Registrar with full power of substitution in the premises.

Dated _____

_____
Name

_____
Social Security or
Taxpayer Identification No.

_____
Signature (Sign here exactly as name(s)
appear on the face of Certificate)

Signature guarantee:

By _____

CERTIFICATE OF CLERK

STATE OF KANSAS)
) SS.
COUNTY OF NORTON)

The undersigned, Clerk of the City of Almena, Kansas, does hereby certify that the within Bond has been duly registered in my office according to law as of SEPTEMBER 26, 2019

WITNESS my hand and official seal.

(Facsimile Seal) By: (facsimile)
Clerk

CERTIFICATE OF STATE TREASURER

OFFICE OF THE TREASURER, STATE OF KANSAS

JAKE LATURNER, Treasurer of the State of Kansas, does hereby certify that a transcript of the proceedings leading up to the issuance of this Bond has been filed in the office of the State Treasurer, and that this Bond was registered in such office according to law on _____.

WITNESS my hand and official seal.

(Facsimile Seal) By: (facsimile)
Treasurer of the State of Kansas

SCHEDULE I

AMORTIZATION SCHEDULE

Stated Maturity	Principal Amount	Outstanding Balance
		$1,620,000.00
9/26/2020	$23,375.58	1,596,624.42
9/26/2021	23,989.19	1,572,635.23
9/26/2022	24,618.91	1,548,016.32
9/26/2023	25,265.15	1,522,751.17
9/26/2024	25,928.37	1,496,822.80
9/26/2025	26,608.98	1,470,213.82
9/26/2026	27,307.47	1,442,906.35
9/26/2027	28,024.29	1,414,882.06
9/26/2028	28,759.93	1,386,122.13
9/26/2029	29,514.88	1,356,607.25
9/26/2030	30,289.64	1,326,317.61
9/26/2031	31,084.75	1,295,232.86
9/26/2032	31,900.72	1,263,332.14
9/26/2033	32,738.11	1,230,594.03
9/26/2034	33,597.49	1,196,996.54
9/26/2035	34,479.42	1,162,517.12
9/26/2036	35,384.51	1,127,132.61
9/26/2037	36,313.35	1,090,819.26
9/26/2038	37,266.58	1,053,552.68
9/26/2039	38,244.83	1,015,307.85
9/26/2040	39,248.75	976,059.10
9/26/2041	40,279.03	935,780.07
9/26/2042	41,336.36	894,443.71
9/26/2043	42,421.44	852,022.27
9/26/2044	43,535.00	808,487.27
9/26/2045	44,677.79	763,809.48
9/26/2046	45,850.58	717,958.90
9/26/2047	47,054.16	670,904.74
9/26/2048	48,289.33	622,615.41
9/26/2049	49,556.93	573,058.48
9/26/2050	50,857.80	522,200.68
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9/26/2055	57,892.65	247,171.59
9/26/2056	59,412.33	187,759.26
9/26/2057	60,971.90	126,787.36
9/26/2058	62,572.42	64,214.94
9/26/2059	64,214.94	0.00

Gilmore & Bell, P.C.
09/05/2019

EXCERPT OF MINUTES OF A MEETING OF THE GOVERNING BODY OF THE CITY OF ALMENA, KANSAS HELD ON SEPTEMBER 9, 2019

The governing body met in regular session at the usual meeting place in the City, at 7:00 p.m., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * * * * * * * * * * *

(Other Proceedings)

Thereupon, there was presented an Ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2019, OF THE CITY OF ALMENA, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; PROVIDING FUNDS TO REFUND THE ISSUER'S OUTSTANDING LOAN OBLIGATIONS; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

Thereupon, Councilmember Ethan Hall moved that said Ordinance be passed. The motion was seconded by Councilmember Brian Sprau. Said Ordinance was duly read and considered, and upon being put, the motion for the passage of said Ordinance was carried by the vote of the governing body, the vote being as follows:

Yea: 5

Nay: 0

Thereupon, the Mayor declared said Ordinance duly passed and the Ordinance was then duly numbered Ordinance No. 1116, was signed and approved by the Mayor and attested by the Clerk and the Ordinance or a summary thereof was directed to be published one time in the official newspaper of the City.

Thereupon, there was presented a Resolution entitled:

A RESOLUTION PRESCRIBING THE FORM AND DETAILS OF AND AUTHORIZING AND DIRECTING THE SALE AND DELIVERY OF GENERAL OBLIGATION BONDS, SERIES 2019 OF THE CITY OF ALMENA, KANSAS, PREVIOUSLY AUTHORIZED BY ORDINANCE NO. 446 OF THE ISSUER; MAKING CERTAIN COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; AND AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS CONNECTED THEREWITH. 446

Thereupon, Councilmember Amy Chandler moved that said Resolution be adopted. The motion was seconded by Councilmember Brian Sprout. Said Resolution was duly read and considered, and upon being put, the motion for the adoption of said Resolution was carried by the vote of the governing body, the vote being as follows:

Yea: 5

Nay: 0

Thereupon, the Mayor declared said Resolution duly adopted and the Resolution was then duly numbered Resolution No. 2019-18 and was signed by the Mayor and attested by the Clerk.

* * * * * * * * * * * * * *

(Other Proceedings)

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On motion duly made, seconded and carried, the meeting thereupon adjourned.

CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the governing body of the City of Almena, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

Jenni Schumpert
Clerk

PASSED by the governing body of the City on September 9, 2019 and **APPROVED AND SIGNED** by the Mayor.

(SEAL)

Mayor

ATTEST:

Clerk

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CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said Ordinance was passed on September 9, 2019; that the record of the final vote on its passage is found on page ____ of journal ____; and that the Ordinance or a summary thereof was published in the ***Norton Telegram*** on September 18, 2019.

DATED: September 9, 2019.

Clerk

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(PUBLISHED IN THE ***NORTON TELEGRAM*** ON SEPTEMBER 18, 2019)

SUMMARY OF ORDINANCE NO. [446]

On September 9, 2019, the governing body of the City of Almena, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2019, OF THE CITY OF ALMENA, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; PROVIDING FUNDS TO REFUND THE ISSUER'S OUTSTANDING LOAN OBLIGATIONS; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

The Series 2019 Bonds approved by the Ordinance are being issued in the principal amount of $1,620,000, to finance certain internal improvements in the City, and constitute general obligations of the City payable as to both principal and interest, to the extent necessary, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 421 Main Street, Almena, Kansas 67622. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.cityofalmena.com.

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

DATED: September 9, 2019.

City Attorney

WITNESS our hands and the seal of the Issuer.

Signature	Official Title
_____	Mayor

(SEAL)

_____	Clerk

CITY OF ALMENA, KANSAS

By _____
Mayor

(SEAL)

ATTEST:

By _____
Clerk

OFFICE OF THE TREASURER
OF THE STATE OF KANSAS

(SEAL)

By _____
Director of Bond Services

WITNESS our true and genuine manual signatures and the seal of the Issuer.

Mayor

(SEAL)

Clerk

ADOPTED by the governing body of the Issuer on September 9, 2019.

(SEAL)

Mayor

ATTEST:

Clerk

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Bond Resolution of the Issuer adopted by the governing body on September 9, 2019 as the same appears of record in my office.

DATED: September 9, 2019.

Clerk

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(PUBLISHED IN THE *NORTON TELEGRAM* ON SEPTEMBER 18, 2019)

SUMMARY OF ORDINANCE NO. 1446

On September 9, 2019, the governing body of the City of Almena, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2019, OF THE CITY OF ALMENA, KANSAS; PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THEY BECOME DUE; PROVIDING FUNDS TO REFUND THE ISSUER'S OUTSTANDING LOAN OBLIGATIONS; AUTHORIZING CERTAIN OTHER DOCUMENTS AND ACTIONS IN CONNECTION THEREWITH; AND MAKING CERTAIN COVENANTS WITH RESPECT THERETO.

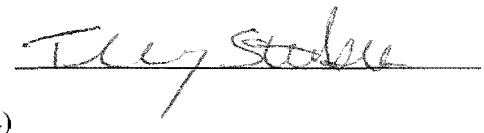
The Series 2019 Bonds approved by the Ordinance are being issued in the principal amount of $1,620,000, to finance certain internal improvements in the City, and constitute general obligations of the City payable as to both principal and interest, to the extent necessary, from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 421 Main Street, Almena, Kansas 67622. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at www.cityofalmena.com.

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

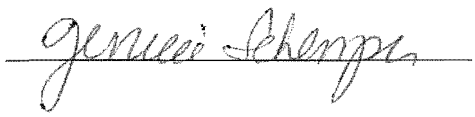
DATED: September 9, 2019.

City Attorney

WITNESS our hands and the seal of the Issuer.

Signature	Official Title
	Mayor

(SEAL)

	Clerk

ORDINANCE NO. 447

ANNUAL APPROPRIATION ORDINANCE
FOR THE CITY OF ALMENA, KANSAS

An Ordinance to make appropriations for the current expenses and other expenditures of the City of Almena, Kansas, during the fiscal year ending December 31, 2020.

Section 1. BE IT ORDAINED by the Governing Body of the City of Almena, Kansas that to provide for the current expenses and other expenditures of the said city during the fiscal year ending December 31, 2020, the City hereby appropriates all sums set forth in the City's adopted budget for the year 2020.

NOW, THEREFORE, this Ordinance is made in order to provide for payroll and the acquisition of the necessary supplies, equipment repairs, and improvements as needed for 2020.

THE CLERK, OR BY THE DEPUTY CITY CLERK AT THE DIRECTION OF THE CLERK, AND TREASURER ARE HEREBY AUTHORIZED to draw warrants for payments from any appropriate funds upon receiving proper vouchers therefore, approved by the officers authorized by law to approve the same, or an ordinance of resolution of council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

Section 2. This ordinance shall take effect upon it adoption.

PASSED AND APPROVED this 6th day of January, 2020.

CITY OF ALMENA, KANSAS

Tracy Stutsman, Mayor

ATTEST:

Catherine Rivera, Almena City Clerk

ORDINANCE NO. 448

AN ORDINANCE GRANTING TO SOUTHWESTERN BELL TELEPHONE COMPANY, d/b/a AT&T KANSAS A CONTRACT FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A TELECOMMUNICATIONS SYSTEM IN THE CITY OF ALMENA, KANSAS AND PRESCRIBING THE TERMS OF SAID CONTRACT FRANCHISE.

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

SECTION 1. DEFINITIONS.

For the purposes of this Ordinance the following words and phrases shall have the meaning given herein. When not inconsistent within the context, words used in the present tense include the future tense and words in the single number include the plural number. The word "shall" is always mandatory, and not merely directory.

a. "Access line" - shall mean and be limited to retail billed and collected residential lines; business lines; ISDN lines; PBX trunks and simulated exchange access lines provided by a central office based switching arrangement where all stations served by such simulated exchange access lines are used by a single customer of the provider of such arrangement. Access line may not be construed to include interoffice transport or other transmission media that do not terminate at an end user customer's premises, or to permit duplicate or multiple assessment of access line rates on the provision of a single service or on the multiple communications paths derived from a billed and collected access line. Access line shall not include the following: Wireless telecommunications services, the sale or lease of unbundled loop facilities, special access services, lines providing only data services without voice services processed by a telecommunications Local exchange service provider or private line service arrangements.

b. "Access line count" - means the number of Access lines serving consumers within the corporate boundaries of the City on the last day of each month.

c. "Access line fee" - means a fee determined by the City, up to a maximum as set out in K.S.A. 12-2001(c)(3), and amendments thereto, to be used by Grantee in calculating the amount of Access line remittance.

d. "Access line remittance" - means the amount to be paid by Grantee to City, the total of which is calculated by multiplying the Access line fee, as determined in the City, by the number of Access lines served by Grantee within the City for each month in that calendar quarter.

e. "City" - means the City of Almena, Kansas.

f. "Contract franchise" - means this Ordinance granting the right, privilege and franchise to Grantee to provide Telecommunications services within the City.

g. "Facilities" - means telephone and telecommunications lines, conduits, manholes, ducts, wires, cables, pipes, poles, towers, vaults, appliances, optic fiber, and all equipment used to provide Telecommunications services.

h. "Grantee" – means Southwestern Bell Telephone Company, a Telecommunications service provider providing service and/or operating Facilities within the City. References to Grantee shall also include as appropriate any and all successors and assigns.

i. "Gross Receipts" - shall mean only those receipts collected from within the corporate boundaries of the City and which are derived from the following: (1) Recurring Local exchange service for business and residence which includes basic exchange service, touch tone, optional calling features and measured local calls; (2) Recurring local exchange Access line services for pay phone lines provided by Grantee to all pay phone service providers; (3) Local directory assistance revenue; (4) Line status verification/ busy interrupt revenue; (5) Local operator assistance revenue; (6) Nonrecurring Local exchange service revenue which shall include customer service for installation of lines, reconnection of service and charge for duplicate bills; and (7) Revenue received by Grantee from resellers or others which use Grantee's Facilities. All other revenues, including, but not limited to, revenues from extended area service, the sale or lease of unbundled network elements, nonregulated services, carrier and end user access, long distance, wireless telecommunications services, lines providing only data service without voice services processed by a telecommunications Local exchange service provider, private line service arrangements, internet, broadband and all other services not wholly local in nature are excluded from Gross Receipts. Gross Receipts shall be reduced by bad debt expenses. Uncollectible and late charges shall not be included within Gross Receipts. If Grantee offers additional services of a wholly local nature which if in existence on or before July 1, 2002 would have been included with the definition of Gross Receipts, such services shall be included from the date of the offering of such services within the City.

j. "Local exchange service" - means local switched telecommunications service within any local exchange service area approved by the state corporation commission, regardless of the medium by which the local telecommunications service is provided. The term Local exchange service shall not include wireless communication services.

k. "Public right-of-way" - means only the area of real property in which the City has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below or above the present and future streets, alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way. The term does not include the airwaves above a right-of-way with regard to wireless telecommunications or other non-wire telecommunications or broadcast service, easements obtained by utilities or private easements in platted subdivisions or tracts.

l. "Telecommunications services" - means providing the means of transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

SECTION 2. GRANT OF CONTRACT FRANCHISE.

a. There is hereby granted to Grantee this nonexclusive Contract franchise to construct, maintain, extend and operate its Facilities along, across, upon or under any Public right-of-way for the purpose of any Telecommunications services or system, including but not limited to, supplying Telecommunications services to the consumers or recipients of such service located within the corporate boundaries of the City, for the term of this Contract franchise, subject to the terms and conditions of this Contract franchise.

b. The grant of this Contract franchise by the City shall not convey title, equitable or legal, in the Public right-of-way, and shall give only the right to occupy the Public right-of-way, for the purposes and for the period stated in this Contract franchise. This Contract franchise does not:

(1) Grant the right to use Facilities or any other property, telecommunications related or otherwise, owned or controlled by the City or a third-party, without the consent of such party;

(2) Grant the authority to construct, maintain or operate any Facility or related appurtenance

on property owned by the City outside of the Public right-of-way, specifically including, but not limited to, parkland property, City Hall property or public works facility property; or

(3) Excuse Grantee from obtaining appropriate access or attachment agreements before locating its Facilities on the Facilities owned or controlled by the City or a third-party.

c. As a condition of this grant, Grantee is required to obtain and is responsible for any necessary permit, license, certification, grant, registration or any other authorization required by any appropriate governmental entity, including, but not limited to, the City, the FCC or the Kansas Corporation Commission (KCC). Grantee shall also comply with all applicable laws, statutes and/or city regulations (including, but not limited to those relating to the construction and use of the Public right-of-way or other public property).

d. Grantee shall not provide any additional services for which a franchise is required by the City without first obtaining a separate franchise from the City or amending this Contract franchise, and Grantee shall not knowingly allow the use of its Facilities by any third party in violation of any federal, state or local law. In particular, this Contract franchise does not provide Grantee the right to provide cable service as a cable operator (as defined by 47 U.S.C. § 522 (5)) within the City. Grantee agrees that this franchise does not permit it to operate an open video system without payment of fees permitted by 47 U.S.C. § 573(c)(2)(B) and without complying with FCC regulations promulgated pursuant to 47 U.S.C. § 573.

e. This authority to occupy the Public right-of-way shall be granted in a competitively neutral and nondiscriminatory basis and not in conflict with state or federal law.

SECTION 3. USE OF PUBLIC RIGHT-OF-WAY.

a. Pursuant to K.S.A. 17-1902, and amendments thereto, and subject to the provisions of this Contract franchise, Grantee shall have the right to construct, maintain and operate its Facilities along, across, upon and under the Public right-of-way. Such Facilities shall be so constructed and maintained as not to obstruct or hinder the usual travel or public safety on such public ways or obstruct the legal use of such public ways by other utilities.

b. Grantee's use of the Public right-of-way shall always be subject and subordinate to the reasonable public health, safety and welfare requirements and regulations of the City. The City may exercise its home rule powers in its administration and regulation related to the management of the Public right-of-way; provided that any such exercise must be competitively neutral and may not be unreasonable or discriminatory. Grantee shall be subject to all applicable laws and statutes, and/or rules, regulations, policies, resolutions and ordinances adopted by the City, relating to the construction and use of the Public right-of-way, including, but not limited to the City's ordinance for managing the use and occupancy of the Public Right-of-way, codified at O.P.M.C Chapter 13.12 Managing The Use and Occupancy of the Public Right-of-Way, and amendments thereto.

c. Grantee shall participate in the Kansas One Call utility location program.

SECTION 4. COMPENSATION TO THE CITY.

a. In consideration of this Contract franchise, Grantee agrees to remit to the City a franchise fee of 1% of Gross Receipts. To determine the franchise fee, Grantee shall calculate the Gross Receipts and multiply such receipts by 1%. Thereafter, subject to subsection (b) hereafter, compensation for each calendar year of the remaining term of this Contract franchise shall continue to be based on a sum equal to 1% of Gross Receipts, unless the City notifies Grantee prior to ninety days (90) before the end of the calendar year that it intends to switch to an Access line fee in the following

calendar year; provided, such Access line fee shall not exceed the maximum Access line fee allowed by Kansas Statute. In the event the City elects to change its basis of compensation, nothing herein precludes the City from switching its basis of compensation back; provided the City notifies Grantee prior to ninety days (90) before the end of the calendar year.

b. Beginning January 1, 2021, and every 36 months thereafter, the City, subject to the public notification procedures set forth in K.S.A. 12-2001 (m), and amendments thereto, may elect to adopt an increased Access line fee or Gross Receipts fee subject to the provisions and maximum fee limitations contained in K.S.A. 12-2001, and amendments thereto, or may choose to decline all or any portion of any increase in the Access line fee.

c. Grantee shall pay on a monthly basis without requirement for invoice or reminder from the City, and within 45 days of the last day of the month for which the payment applies franchise fees due and payable to the City. If any franchise fee, or any portion thereof, is not postmarked or delivered on or before the due date, interest thereon shall accrue from the due date until received, at the applicable statutory interest rate.

d. Upon written request by the City, but no more than once per quarter, Grantee shall submit to the City a certified statement showing the manner in which the franchise fee was calculated.

e. No acceptance by the City of any franchise fee shall be construed as an accord that the amount paid is in fact the correct amount, nor shall acceptance of any franchise fee payment be construed as a release of any claim of the City. Any dispute concerning the amount due under this Section shall be resolved in the manner set forth in K.S.A. 12-2001, and amendments thereto. Subject to any limitations of Kansas Statute, Grantee's payment obligations shall survive the expiration or termination of this Contract franchise.

f. The City shall have the right to examine, upon written notice to Grantee no more often than once per calendar year, those records necessary to verify the correctness of the franchise fees paid by Grantee.

g. Unless previously paid, within sixty (60) days of the effective date of this Contract franchise, Grantee shall pay to the City a one-time application fee of One Thousand Dollars ($1000.00). The parties agree that such fee reimburses the City for its reasonable, actual and verifiable costs of reviewing and approving this Contract franchise.

h. The franchise fee required herein shall be in addition to, not in lieu of, all taxes, charges, assessments, licenses, fees and impositions otherwise applicable that are or may be imposed by the City under K.S.A. 12-2001 and 17-1902, and amendments thereto. The franchise fee is compensation for use of the Public right-of-way and shall in no way be deemed a tax of any kind.

i. Grantee shall remit an Access line (franchise) fee or a Gross Receipts (franchise) fee to the City on those Access lines that have been resold to another telecommunications Local exchange service provider, but in such case the City shall not collect a franchise fee from the reseller service provider and shall not require the reseller service provider to enter a contract franchise ordinance. Such Access line (franchise) fee or Gross Receipts (franchise) fee shall be in the same amount or percentage as the franchise fee set forth in subsection 4 a. hereinabove.

SECTION 5. INDEMNITY AND HOLD HARMLESS.

It shall be the responsibility of Grantee to take adequate measures to protect and defend its Facilities in the Public right-of-way from harm or damage. If Grantee fails to accurately or timely locate Facilities when requested, in accordance with the Kansas Underground Utility Damage Prevention Act, K.S.A. 66-1801 et seq., it has no claim for costs or damages against the City and its authorized contractors unless

such parties are responsible for the harm or damage caused by their negligence or intentional conduct. The City and its authorized contractors shall be responsible to take reasonable precautionary measures including calling for utility locations and observing marker posts when working near Grantee's Facilities.

Grantee shall indemnify and hold the City and its officers and employees harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees (including reasonable attorney fees and costs of defense), proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury (including death), property damage or other harm for which recovery of damages is sought, to the extent that it is found by a court of competent jurisdiction to be caused by the negligence of Grantee, any agent, officer, director, representative, employee, affiliate or subcontractor of Grantee, or its respective officers, agents, employees, directors or representatives, while installing, repairing or maintaining Facilities in the Public right-of-way.

The indemnity provided by this subsection does not apply to any liability resulting from the negligence of the City, its officers, employees, contractors or subcontractors. If Grantee and the City are found jointly liable by a court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of this state without, however, waiving any governmental immunity available to the City under state law and without waiving any defenses of the parties under state or federal law. This section is solely for the benefit of the City and Grantee and does not create or grant any rights, contractual or otherwise, to any other person or entity.

Grantee or City shall promptly advise the other in writing of any known claim or demand against Grantee or the City related to or arising out of Grantee's activities in the Public right-of-way.

SECTION 6. INSURANCE REQUIREMENT AND PERFORMANCE BOND

a. During the term of this Contract franchise, Grantee shall obtain and maintain insurance coverage at its sole expense, with financially reputable insurers that are licensed to do business in the State of Kansas. Should Grantee elect to use the services of an affiliated captive insurance company for this purpose, that company shall possess a certificate of authority from the Kansas Insurance Commissioner. Grantee shall provide not less than the following insurance:

   (1) Workers' compensation as provided for under any worker's compensation or similar law in the jurisdiction where any work is performed with an employers' liability limit equal to the amount required by law.

   (2) Commercial general liability, including coverage for contractual liability and products completed operations liability on an occurrence basis and not a claims made basis, with a limit of not less than Two Million Dollars ($2,000,000) combined single limit per occurrence for bodily injury, personal injury, and property damage liability. The City shall be included as an additional insured with respect to liability arising from Grantee's operations under this Contract franchise.

b. As an alternative to the requirements of subsection (a), Grantee may demonstrate to the satisfaction of the City that it is self-insured and as such Grantee has the ability to provide coverage in an amount not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) in aggregate, to protect the City from and against all claims by any person whatsoever for loss or damage from personal injury, bodily injury, death or property damage occasioned by Grantee, or alleged to so have been caused or occurred.

c. Grantee shall, as a material condition of this Contract franchise, prior to the commencement of any work and prior to any renewal thereof, deliver to the City a certificate of insurance or evidence of self-insurance, satisfactory in form and content to the City, evidencing that the above insurance is in force and will not be cancelled or materially changed with respect to areas and

entities covered without first giving the City thirty (30) days prior written notice. Grantee shall make available to the City on request the policy declarations page and a certified copy of the policy in effect, so that limitations and exclusions can be evaluated for appropriateness of overall coverage.

d. Grantee shall, as a material condition of this Contract franchise, prior to the commencement of any work and prior to any renewal thereof, deliver to the City a performance bond in the amount of Fifty Thousand Dollars ($50,000), payable to the City to ensure the appropriate and timely performance in the construction and maintenance of Facilities located in the Public right-of-way. The required performance bond must be with good and sufficient sureties, issued by a surety company authorized to transact business in the State of Kansas, and satisfactory to the City Attorney in form and substance.

SECTION 7. REVOCATION AND TERMINATION.

In case of failure on the part of Grantee to comply with any of the provisions of this Contract franchise, or if Grantee should do or cause to be done any act or thing prohibited by or in violation of the terms of this Contract franchise, Grantee shall forfeit all rights, privileges and franchise granted herein, and all such rights, privileges and franchise hereunder shall cease, terminate and become null and void, and this Contract franchise shall be deemed revoked or terminated, provided that said revocation or termination, shall not take effect until the City has completed the following procedures: Before the City proceeds to revoke and terminate this Contract franchise, it shall first serve a written notice upon Grantee, setting forth in detail the neglect or failure complained of, and Grantee shall have sixty (60) days thereafter in which to comply with the conditions and requirements of this Contract franchise. If at the end of such sixty (60) day period the City deems that the conditions have not been complied with, the City shall take action to revoke and terminate this Contract franchise by an affirmative vote of the City Council present at the meeting and voting, setting out the grounds upon which this Contract franchise is to be revoked and terminated; provided, to afford Grantee due process, Grantee shall first be provided reasonable notice of the date, time and location of the City Council's consideration, and shall have the right to address the City Council regarding such matter. Nothing herein shall prevent the City from invoking any other remedy that may otherwise exist at law. Upon any determination by the City Council to revoke and terminate this Contract franchise, Grantee shall have thirty (30) days to appeal such decision to the District Court of Newton County, Kansas. This Contract franchise shall be deemed revoked and terminated at the end of this thirty (30) day period, unless Grantee has instituted such an appeal. If Grantee does timely institute such an appeal, such revocation and termination shall remain pending and subject to the court's final judgment. Provided, however, that the failure of Grantee to comply with any of the provisions of this Contract franchise or the doing or causing to be done by Grantee of anything prohibited by or in violation of the terms of this Contract franchise shall not be a ground for the revocation or termination thereof when such act or omission on the part of Grantee is due to any cause or delay beyond the control of Grantee or to bona fide legal proceedings.

SECTION 8. RESERVATION OF RIGHTS.

a. The City specifically reserves its right and authority as a public entity with responsibilities towards its citizens, to participate to the full extent allowed by law in proceedings concerning Grantee's rates and services to ensure the rendering of efficient Telecommunications service and any other services at reasonable rates, and the maintenance of Grantee's property in good repair.

b. In granting its consent hereunder, the City does not in any manner waive its regulatory or other rights and powers under and by virtue of the laws of the State of Kansas as the same may be amended, its Home Rule powers and other authority established pursuant to the Constitution of the State of Kansas, nor any of its rights and powers under or by virtue of present or future ordinances of the City.

c. In entering into this Contract franchise, neither the City's nor Grantee's present or future legal rights, positions, claims, assertions or arguments before any administrative agency or court of law are in any way prejudiced or waived. By entering into the Contract franchise, neither the City nor Grantee waive any rights, but instead expressly reserve any and all rights, remedies, and arguments the City or Grantee may have at law or equity, without limitation, to argue, assert, and/or take any position as to the legality or appropriateness of any present or future laws, non-franchise ordinances and/or rulings.

SECTION 9. FAILURE TO ENFORCE.

The failure of either the City or Grantee to insist in any one or more instances upon the strict performance of any one or more of the terms or provisions of this Contract franchise shall not be construed as a waiver or relinquishment for the future of any such term or provision, and the same shall continue in full force and effect. No waiver or relinquishment shall be deemed to have been made by the City or Grantee unless said waiver or relinquishment is in writing and signed by both the City and Grantee.

SECTION 10. TERM AND TERMINATION DATE.

a. This Contract franchise shall be effective for a term beginning on the effective date of this Contract franchise and ending on December 31, 2023. Thereafter, this Contract franchise will automatically renew for up to eight additional two (2) year terms, unless either party notifies the other party of its intent to terminate the Contract franchise at least ninety (90) days before the termination of the then current term. The additional term shall be deemed a continuation of this Contract franchise and not as a new franchise or amendment.

b. Upon written request of either the City or Grantee, this Contract franchise shall be renegotiated at any time in accordance with the requirements of state law upon any of the following events: changes in federal, state, or local laws, regulations, or orders that materially affect any rights or obligations of either the City or Grantee, including but not limited to the scope of the Contract franchise granted to Grantee or the compensation to be received by the City hereunder.

c. If any clause, sentence, section, or provision of K.S.A. 12-2001, and amendments thereto, shall be held to be invalid by a court or administrative agency of competent jurisdiction, provided such order is not stayed, either the City or Grantee may elect to terminate the entire Contract franchise. In the event of such invalidity, if Grantee is required by law to enter into a Contract franchise with the City, the parties agree to act in good faith in promptly negotiating a new Contract franchise.

d. Amendments under this Section, if any, shall be made by contract franchise ordinance as prescribed by statute. This Contract franchise shall remain in effect according to its terms, pending completion of any review or renegotiation provided by this section.

e. In the event the parties are actively negotiating in good faith a new contract franchise ordinance or an amendment to this Contract franchise upon the termination date of this Contract franchise, the parties by written mutual agreement may extend the termination date of this Contract franchise to allow for further negotiations. Such extension period shall be deemed a continuation of this Contract franchise and not as a new contract franchise ordinance or amendment.

SECTION 11. POINT OF CONTACT AND NOTICES

Grantee shall at all times maintain with the City a local point of contact who shall be available at all times to act on behalf of Grantee in the event of an emergency. Grantee shall provide the City with said local contact's name, address, telephone number, fax number and e-mail address. Emergency notice by Grantee

to the City may be made by telephone to the ROW Coordinator at (913) 895-6189. (If ROW Coordinator is not available, then contact the City Engineer or Public Works Director.)

All other notices between the parties shall be in writing and shall be made by personal delivery, depositing such notice in the U.S. Mail, Certified Mail, return receipt requested, or by facsimile. Any notice served by U.S. Mail or Certified Mail, return receipt requested, shall be deemed delivered five (5) calendar days after the date of such deposit in the U.S. Mail unless otherwise provided. Any notice given by facsimile is deemed received by the next business day. "Business day" for purposes of this section shall mean Monday through Friday, City and/or Grantee observed holidays excepted.

The City:

The City of Almena
421 Main Street
Almena, Kansas 67622
Attn:
Almena City Clerk

Grantee:

Office of the President
Southwestern Bell Telephone Company,
d/b/a AT&T Kansas
220 S.E. 6th St. Rm 500
Topeka, Kansas 66603

SECTION 12. TRANSFER AND ASSIGNMENT.

This Contract franchise is granted solely to Grantee and shall not be transferred or assigned without the prior written approval of the City; provided that such transfer or assignment may occur without written consent of the City to a wholly owned parent or subsidiary, or between wholly owned subsidiaries, or to an entity with which Grantee is under common ownership or control, upon written notice to the City. In the event of any transfer or assignment of either this Contract franchise or Grantee's business or assets, Grantee shall: timely notify the City of the successor entity; provide a point of contact for the successor entity; and advise the City of the effective date of the transfer or assignment. Additionally, Grantee's obligations under this Contract franchise with regard to indemnity, bonding and insurance shall continue until the transferee or assignee has taken the appropriate measures necessary to assume and replace the same, the intent being that there shall be no lapse in any coverage as a result of the transfer or assignment.

SECTION 13. CONFIDENTIALITY.

Information provided to the City under K.S.A. 12-2001 shall be governed by confidentiality procedures in compliance with K.S.A. 45-215 and 66-1220a, et seq., and amendments thereto. Grantee agrees to indemnify and hold the City harmless from any and all penalties or costs, including attorney's fees, arising from the actions of Grantee, or of the City at the written request of Grantee, in seeking to safeguard the confidentiality of information provided by Grantee to the City under this Contract franchise.

SECTION 14. ACCEPTANCE OF TERMS.

Grantee shall have sixty (60) days after the final passage and approval of this Contract franchise to file with the City Clerk its acceptance in writing of the provisions, terms and conditions of this Contract franchise, which acceptance shall be duly acknowledged before some officer authorized by law to administer oaths; and when so accepted, this Contract franchise and acceptance shall constitute a contract between the City and Grantee subject to the provisions of the laws of the State of Kansas, and shall be deemed effective on the later of the date Grantee files acceptance with the City or publication of this Contract franchise in accordance with Statute (the "Effective Date").

SECTION 15. PAYMENT OF PUBLICATION COSTS.

In accordance with Kansas Statute, Grantee shall be responsible for payment of all costs and expense of publishing this Contract franchise, and any amendments thereof.

SECTION 16. SEVERABILITY.

If any clause, sentence, or section of this Contract franchise, or any portion thereof, shall be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared invalid; provided, however, the City or Grantee may elect to declare the entire Contract franchise is invalidated if the portion declared invalid is, in the judgment of the City or Grantee, an essential part of the Contract franchise.

SECTION 17. FORCE MAJEURE.

Each and every provision hereof shall be reasonably subject to acts of God, fires, strikes, riots, floods, war and other disasters beyond Grantee's or the City's control.

SECTION 18. REPEAL.

City Ordinance No. 386, a contract franchise issued to Southwestern Bell Telephone Company is hereby repealed.

PASSED by the City Council this 2nd day of March, 2020.

APPROVED by the Mayor this 2nd day of March, 2020.

CITY OF ALMENA, KANSAS

Mayor

ATTEST:

Cathy Rivera, City Clerk

APPROVED AS TO FORM:

Doug Sebelius, City Attorney

ORDINANCE NO. 449

AN ORDINANCE AMENDING WEED ABATEMENT PROCEDURE WITHIN THE CITY OF ALMENA, KANSAS

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

Section One. That Subsection (a) of Sections 8-403 of the Code of the City of Almena, Kansas, is hereby amended to read as follows:

"(a) (1) The governing body shall designate a public officer to be charged with the administration and enforcement of this article. The public officer or an authorized assistant shall notify the owner or his or her or agent in charge of any premises within the city upon which weeds exist in violation of this article, by certified mail, return receipt requested, or by personal service. If the property is unoccupied, and the owner is a nonresident, then by mailing the order by certified mail, return receipt requested, to the last known address of the owner.

(2) Such notice shall be at a minimum a one-time yearly written notification and shall include the following:

(A) The owner or his or her agent in charge of the property is in violation of the city weed control law;

(B) The owner or his or her agent in charge of the property is ordered to cut the weeds within ten days of the receipt of the notice;

(C) The owner or his or her agent in charge of the property may, within the ten-day period, request a hearing before the governing body or its designated representative;

(D) If the owner or his or her agent in charge of the property does not cut the weeds, then the city or its authorized agent will cut the weeds and assess the costs of cutting, including a reasonable administrative fee, against the owner or his or her agent in charge of the property;

(E) The owner or his or her agent in charge of the property will be given an opportunity to pay the assessment, and , if it is not paid, then it will be added to the property tax as a special assessment and/or collected as a personal debt in the manner provided by K.S.A. 12-1,115 and amendments thereto; and

(F) The city office shall be contacted if there are any questions regarding the order.

(G) No further notice shall be given prior to removal of weeds. "

Section Two. This ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND APPROVED this 5th day of October, 2020.

CITY OF ALMENA, KANSAS

(SEAL)

Tracy Stutsman

Tracy Stutsman, Mayor

ATTEST:

Catherine F. Rivera

Cathy Rivera, Almena City Clerk

ORDINANCE NO. 450

ANNUAL APPROPRIATION ORDINANCE
FOR THE CITY OF ALMENA, KANSAS

An Ordinance to make appropriations for current expenses and other expenditures of the City of Almena, Kansas, during the fiscal year ending December 31, 2021.

Section 1. **BE IT ORDAINED** by the Governing Body of the City of Almena, Kansas, that to provide for the current expenses and other expenditures of the said city during the fiscal year ending December 31, 2021, the City hereby appropriates all sums set forth in the City's adopted budget for the year 2021.

NOW, THEREFORE, this ordinance is made in order to provide for payroll and the acquisition of the necessary supplies, equipment repairs, and improvements as needed for 2021.

THE CLERK AND TREASURER ARE HEREBY AUTHORIZED to draw warrants for payments from any appropriate funds upon receiving proper vouchers therefore, approve by the officers authorized by law to approve the same, or an ordinance of resolution of the council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with the law or ordinance

Section 2. This ordinance shall take effect upon its adoption.

PASSED: January 4, 2021

Tracy Stutsman, Mayor

ATTEST:

Catherine Rivera, City Clerk

ORDINANCE NO. 451

AN ORDINANCE ESTABLISHING THE RATE CHARGED FOR USE OF WATER FROM WATER SALESMAN FACILITY IN THE CITY OF ALMENA, KANSAS

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

SECTION ONE. Section 15-221 of the Code of the City of Almena, Kansas, is hereby amended by adding a new provision as follows:

(c) For customers purchasing water from the water salesman facility of the City, the rate for use of water shall be $8.00 for each 1000 gallons of water used.

SECTION TWO. Ordinances of the City of Almena, Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE. This ordinance shall be published in the official City newspaper and shall take effect on Aug 11, 2021, 2021.

PASSED AND ADOPTED this 2nd day of August, 2021

CITY OF ALMENA, KANSAS

(Seal)

Tracy Stutsman

Tracy Stutsman, Mayor

ATTEST:

Catherine L. Rivera

Cathy Rivera, City Clerk

ORDINANCE NO. 452

AN ORDINANCE AMENDING REGISTRATION AND VACCINATION REQUIREMENTS FOR DOGS OWNED OR HARBORED WITHIN THE CITY OF ALMENA, KANSAS

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

Section One. That Sections 2-201, 2-202 and 2-204 of the Code of the City of Almena, Kansas, are hereby amended in their entirety to read as follows:

"2-201 REGISTRATION AND VACCINATION REQUIRED; FEES.

A. It shall be unlawful for any person to keep or harbor any dog over six months of age within the City of Almena, Kansas, unless such dog is vaccinated and licensed as provided herein.

(1) **Separate offenses.** Keeping or harboring a dog over six months of age without a license shall be a separate offense from keeping or harboring a dog over six months of age without an anti-rabies vaccination still in effect.

(2) **Exceptions.** The provisions of this section do not apply to dogs owned by a licensed animal shelter nor to animals owned by nonresidents of the city which are maintained within the city for less than 60 consecutive days. The requirements for vaccination of a dog under this section shall not apply to any dog that should not, in the written opinion of an accredited examining veterinarian, be vaccinated against rabies due to such dog's physical health or age, and such written opinion is furnished to the City Clerk.

(3) **Violations.** Those found to be in violation of this section shall pay a minimum fine of $25.00 for a first offense, $50.00 for a second offense, and $100.00 for a third or subsequent offense.

B. Any person who keeps or harbors any dog within the city shall apply to the City Clerk, or the Clerk's designee, for a license for each such dog. Such applications shall be submitted to the City Clerk, or the Clerk's designee, on a form approved by the City Clerk. Such applications shall be submitted to the City Clerk, or the City Clerk's designee, within 30 days after the person commences to keep or harbor the dog or within 30 days after the dog reaches six months in age, whichever is later. At the time such application is submitted, the applicant shall also provide the City with the following:

(1) Proof that the dog has been vaccinated or inoculated with an anit-rabies vaccine showing the month and year when such vaccine will cease to be effective.
(2) The owner's name and address, and the name, sex and description of each dog owned or kept within the city.
(3) The appropriate fee as established herein.

Fees as set forth below shall be imposed for the registration and issuance of each license issued under the provisions of this section. No license shall be issued hereunder for a period of time beyond the effectiveness of the anti-rabies vaccine that has been administered to the dog being licensed.

License period	**Unneutered Unspayed**	**Neutered Spayed**
Up to 1 year (0-12 months)	$12.00	$6.00
Between 1 and 2 years (13-24 mos.)	$24.00	$12.00
Between 2 and 3 years (25-36 mos.)	$36.00	$18.00

Veterinarians as City Clerk designees. Local veterinarians may, but are not required to, distribute and process application forms for licenses to applicants. If a veterinarian elects to receive and process application forms for licenses, the veterinarian may charge up to a $5.00 administrative fee in addition to the license fee, retain the administrative fee, and remit the license fee to the City on or before the tenth of each month for all application forms for licenses received and processed during the preceding one-month period. The City Clerk shall provide the application form for the licenses. Upon request, the City Clerk shall provide veterinarians in the vicinity of the city a supply of such application forms to be used for the licensing process.

2-202 DOG TAGS.

A. Upon receipt of a properly completed application with all appropriate attachments, the City Clerk shall issue a license to the applicant. The license shall be recorded under the same number stamped on the proof of rabies vaccination tag issued by the veterinarian. The proof of rabies vaccination tag shall also serve as the dog's proof of City license.

B. The keeper or harborer of any dog licensed hereunder shall ensure the proof of vaccination tag is attached to a suitable collar and kept on the dog for which it was issued at all times. Such tags are not transferable to other dogs.

2-204 EVIDENCE OF VACCINATION.

It shall be unlawful for the owner or harborer of any dog kept within the city to fail to display a current certificate of immunization against rabies issued by an accredited veterinarian evidencing the vaccination of such dog when requested by an official or employee of the City or any law enforcement officer."

Section Two. Notwithstanding the provisions in Section One, any dog kept or harbored in the city on the date this ordinance becomes effective must be registered with the City Clerk no later than March 2, 2022.

Section Three. This ordinance shall be published in the official City newspaper and take effect on January 1, 2022.

PASSED AND APPROVED this 6th day of December, 2021.

CITY OF ALMENA, KANSAS

(SEAL)

Tracy Stutsman, Mayor

ATTEST:

Catherine F. Rivera

Cathy Rivera, Almena City Clerk

CITY OF ALMENA, KANSAS

Certification by City Clerk to
Ordinance No. 453

I, the undersigned, hereby certify:

1. That I am the duly acting City Clerk of the City of Almena, Kansas;

2. That I hereby depose and say that the City of Almena, Kansas, is a municipal corporation organized and existing under the laws of the state of Kansas, having its principal place of business at 415 Main Street, Almena, Norton County, Kansas; and

3. That I hereby depose and say that the attached copy of vacating Ordinance No. 453 is a true and correct copy of the original ordinance adopted by the Governing Body of the City of Almena, Kansas, at a meeting held on the date specified therein.

IN WITNESS WHEREOF, I have hereunto subscribed my name on this 21st day of July, 2022.

CITY OF ALMENA, KANSAS

Cathenie F. Rivera
Cathy Rivera, Secretary

STATE OF KANSAS)
COUNTY OF NORTON) SS:

BE IT REMEMBERED, That on this 21st day of July, 2022, before me, the undersigned, a Notary Public in and for the county and state aforesaid, came Cathy Rivera, City Clerk of the City of Almena, Kansas, a municipal corporation organized and existing under and by virtue of the laws of the State of Kansas, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument of writing on behalf of said municipal corporation, and such person duly acknowledged the execution of the same to be the act and deed of said municipal corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

DEANNA L. BABCOCK
Notary Public - State of Kansas
My Appt. Expires 1-09-26

Deanna L Babcock
Notary Public

ORDINANCE NO. 453

AN ORDINANCE VACATING STREETS AND ALLEY RIGHTS OF WAY ON THE PREMISES OF UNIFIED SCHOOL DISTRICT 212 WITHIN THE CITY OF ALMENA, KANSAS

WHEREAS, the City of Almena, Kansas desires to vacate portions of Wagner Street, Barclay Street and an alley lying within the premises of Unified School District 212 in Almena, Kansas; and

WHEREAS, an application to vacate said street and alley rights of way has been made to the City of Almena on May 12, 2022; and

WHEREAS, proper notice of such street and alley right of way vacation application was given pursuant to K.S.A. 12-504; and

WHEREAS, a public hearing was held on the 11th day of July, 2022 before the Governing Body of the City of Almena and the Governing Body has determined that the portions of said street and alley rights of way are not needed by the City.

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

Section One. That the following described street and alley rights of way granted to the City of Almena, Kansas are hereby vacated:

All that part of Wagner Street from its intersection with West Bryant Street to its intersection with West Brockton Street; and

All that part of West Barclay Street from its intersection with Wagner Street to its intersection with Washington Street; and

The alleyway running along the East side of Block F of Leonard's Addition to the City of Almena, Kansas from its intersection with West Bryant Street to its intersection with West Barclay Street, the same being the West Twenty (20) feet of a tract of land in the Northeast Quarter of the Southeast Quarter (NE/4SE/4) of Section Eight (8), Township Two (2) South, Range Twenty-One (21) West of the Sixth P.M., Norton County, Kansas, commencing Eighty (80) feet West of the Southwest corner of Block Four (4) Original Town of Almena, Kansas thence West 160 feet, thence North 300 feet, thence East 160 feet, thence South 300 feet to the place of beginning.

Section Two. This ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND APPROVED this 11th day of July, 2022.

CITY OF ALMENA, KANSAS

(SEAL)

Tracy Stutsman, Mayor

ATTEST:

Cathy Rivera, Almena City Clerk

ORDINANCE NO. 454

AN ORDINANCE GRANTING NEX-TECH, LLC A LIMITED LIABILITY COMPANY, ITS PARENT COMPANY (RURAL TELEPHONE SERVICE COMPANY, INC., A KANSAS CORPORATION), SUCCESSORS, TRANSFEREES AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE TO ERECT, MAINTAIN AND OPERATE A TELECOMMUNICATIONS SYSTEM WITHIN THE CITY LIMITS OF ALMENA, KANSAS, PRESCRIBING THE TERMS AND CONDITIONS THEREOF AND PROVIDING FOR PAYMENTS TO BE MADE TO THE CITY OF ALMENA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA, NORTON COUNTY, KANSAS:

ARTICLE 1
DEFINITIONS

For the purpose of granting this Franchise, the following terms shall have the meaning as described herein:

1.1. City. "City" shall mean the City of Almena, Kansas, and shall include, when appropriate, the context of the territorial boundaries of the city limits of Almena, Kansas, as they now or shall hereafter exist.

1.2. City Council. "City Council" shall mean the present governing body of the City or any successor to the legislative powers of the present City Council.

1.3. Franchise. "Franchise" shall mean the permission, license or authority given hereunder to conduct and operate a telecommunications system in the City, pursuant to this Ordinance passed by the City Council.

1.4. Grantee. "Grantee" shall mean Nex-Tech, its parent company (Rural Telephone Service Company, Inc.), subsidiaries, successors, transferees or assigns of the Franchise granted herein.

1.5. Franchise Revenue. "Franchise Revenue" shall mean a flat monthly fee or a percentage of annual Franchise Revenue received by Grantee for basic service rates collected from subscribers of Grantee's local telephone service; provided, however, that such phrase shall not include: (i) revenues received from any advertising carried on the telecommunications system; (ii) revenues from optional calling features; (iii) any taxes imposed directly or indirectly on any subscriber by any governmental unit or agency, and collected by Grantee on behalf of such governmental unit or agency; (iv) any revenues derived from installation charges; or (v) revenues derived from Internet access.

1.6. Street. "Street" shall mean the surface of, and the space above and below, any public street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway, drive or other

easement now or hereafter held by the City for the purpose of public travel. It shall also include such other easements or right-of-ways as shall be now or hereafter held by the City, and which shall within their proper use and meaning entitle the City and Grantee to install or transmit telecommunications transmissions over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments, and other property as may be ordinarily necessary and pertinent to a Telecommunications System.

1.7. Property of Grantee. "Property of Grantee" shall mean all property owned and installed or used by Grantee in the conduct of its telecommunications business in the City and under the authority of the Franchise granted herein.

1.8. Telecommunications System. "Telecommunications System" shall mean all equipment used to transport voice communications.

1.9. Subscriber. "Subscriber" shall mean any person or entity receiving, for any purpose, one or more of the services offered within Grantee's Telecommunications System.

1.10. Person. "Person" shall mean any individual or association of individuals, or any firm, corporation or other business entity.

1.11. Telecommunications Facilities. "Telecommunications Facilities" shall mean property of the Grantee used in operation of the Telecommunications System.

ARTICLE 2
GRANT OF FRANCHISE

2.1. General Grant. The City hereby grants to Grantee the right and privilege to construct, erect, operate and maintain a Telecommunications System within the City and, in so doing, to use the Streets of the City by erecting, installing, constructing, repairing, replacing, reconstructing, maintaining and retaining in, on, under, upon or across any such Street, such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be necessary and pertinent to a Telecommunications System within the City.

2.2. Non-Exclusivity. The authority given to Grantee in Section 2.1 is not and shall not be deemed to be an exclusive right or permission. The City expressly reserves the right to grant similar non-exclusive franchises to other Persons and allow them to use the Streets of the City within the same or other areas of the City as Grantee at any time; provided, however, that such other franchises do not interfere or create interference with Grantee's Telecommunications System already established and said other franchisees shall not be extended preferential treatment over Grantee.

2.3. Notice Concerning Complaints. Notice of the procedures for reporting and resolving complaints shall be given to each Subscriber at the time of the initial subscription to the Telecommunications System.

2.4. Modifications. Any modification of the provisions of the federal franchise standards resulting from an amendment of the standards by the Federal Communications Commission must be incorporated into this Franchise within one (1) year of the adoption of the modification, or at the time of renewal, whichever occurs first. It shall also be the policy of the City to amend this Franchise, upon application of Grantee, when necessary, to enable Grantee to take advantage of any developments in the telecommunications field which would afford Grantee an opportunity to more effectively, efficiently or economically serve its Subscribers, and to enable Grantee to conform to the Rules and Regulations of the Kansas Corporation Commission and the Federal Communications Commission as they may be amended from time to time.

ARTICLE 3
TERM

The initial term of this Ordinance shall be for a period of one (1) year and shall automatically renew for successive one (1) year terms unless written notice of intent to terminate is given by either the City or Grantee, to the other, at least 30 days prior to expiration of the then current term.

ARTICLE 4
FORFEITURE

In addition to all other rights and powers reserved or pertaining to the City, the City reserves as an additional, separate and distinct remedy the right to revoke this Franchise and all rights and privileges of the Grantee hereunder for any of the following reasons:

a. Grantee fails, after thirty (30) days prior written notice, to comply with any of the provisions of this Ordinance granting this Franchise or has, by act or omission, violated any term or condition thereof;

b. Any provision of this Ordinance is adjudged by a court of law as invalid or unenforceable, and the City Council finds that such provision constitutes a consideration material to the continuance of the Franchise granted herein;

c. Grantee becomes insolvent, unable or unwilling to pay its debts or is adjudged bankrupt;

d. Grantee attempts to or does practice any fraud or deceit in its conduct or relations with the City or its Subscribers under this Franchise; or

e. The City condemns all Property of Grantee within the City by lawful exercise of eminent domain.

ARTICLE 5
ORDINANCE OF REVOCATION

No revocation provided for in Article 4, except for reasons of condemnation as described in Article 4(e), shall be effective unless or until the City Council provides written notice to Grantee, and Grantee is given at least thirty (30) days to cure any alleged breach of Article 4 herein. If, upon expiration of the time to cure, City Council believes Grantee has failed to cure, the City Council must adopt an Ordinance setting forth the cause and reason for the revocation and the effective date thereof in order to effectuate any revocation. Such Ordinance shall not be adopted without thirty (30) days prior written notice thereof to Grantee along with an opportunity for Grantee to be heard on the proposed adoption of said proposed Ordinance. If the revocation as proposed in said Ordinance depends upon a finding of fact, such finding of fact must be made by the City Council after a conclusive hearing is provided, if requested by Grantee.

ARTICLE 6
COMPENSATION

In consideration of granting this Franchise to Grantee, Grantee shall pay the City an amount equal to one percent (1%) of the annual Franchise Revenue from the operation of the business in said City. This fee will be collected as a "pass-through" from the Subscribers. Such payment shall be made by Grantee to the City in arrears on a quarterly basis, within sixty (60) days of the end of each remittal period, for the duration of this Ordinance. The City agrees to accept this sum as full and fair compensation.

ARTICLE 7
INDEMNIFICATION

Grantee shall, concurrently with the filing of the acceptance of this Franchise, furnish to the City and file with the City Clerk proof of a liability insurance policy in the amount of One Million Dollars ($1,000,000) with a company approved by the City and in a form satisfactory to the City Attorney. Such policy shall indemnify and defend the City, its officers, councils, boards, commissions, agents and employees from and against any and all claims, demands, actions, suits and proceedings by others, against all liabilities to others and against any loss, costs, expenses or damages resulting there from or arising out of the exercise or enjoyment of this Franchise.

ARTICLE 8
USE AND INSTALLATION

8.1. Degree of Care. Grantee or any Persons erecting, constructing or maintaining any of the Property of Grantee shall, at all times, employ due care or the highest degree of care required by law under the facts and circumstances and shall maintain and install the Property of Grantee in accordance with commonly accepted methods and principals so as to prevent failures and accidents likely to damage, injure or create a public nuisance.

8.2. Location of Facility. All Telecommunications Facilities shall be located so as to cause minimum interference with the proper use of Streets and the rights and reasonable

convenience of property owners abutting the Streets. In no event shall such Telecommunications Facilities be located so as to substantially interfere with the usual public travel on any Street within the City.

8.3. Damage to Public Property. Whenever Grantee or any person on its behalf causes any injuries or damage to any public property or Street by or because of the installation, maintenance or operation of the Telecommunications Facilities, such injury or damage shall be immediately remedied in such fashion as directed by the City Superintendent at Grantee's expense.

8.4. Tree Trimming. Grantee shall have authority to trim trees upon and over the Streets of the City so as to prevent the branches of such trees from coming in contact with wires, cables and other Telecommunications Facilities. All trimming shall be done under the supervision of the City Superintendent at Grantee's expense.

8.5. Facilities Upgrades/Changes. Grantee shall exercise its right to place, remove, construct and reconstruct, extend and maintain its plant and appurtenances as the business, and purposes for which, may from time to time require along, across, on, over, through, above and under any public right-of-ways including, but not limited to, Streets, avenues, alleys, bridges and the public grounds and places within the limits of the City at Grantee's expense.

ARTICLE 9
REMOVAL AND ABANDONMENT OF PROPERTY

If this Franchise is terminated or revoked, Grantee shall remove from the Streets all of its Telecommunications Facilities other than those which the City may permit to be abandoned in place. In the event of such removal, Grantee shall return the Street to similar condition as it was in before the Telecommunications Facilities were placed.

ARTICLE 10
OPERATION AND MAINTENANCE

Grantee shall have the authority to promulgate such rules, regulations, terms and conditions of its business as shall be reasonably necessary to enable Grantee to exercise its rights and perform its services under this Franchise and to assure an uninterrupted service to all of its customers. Grantee shall render efficient service, make repairs promptly and only interrupt service for good cause for the shortest time possible. In order to limit failure and malfunctions of the Telecommunications System and to enable prompt correction at all times after notice of malfunction or failure, Grantee shall consistently maintain a listed telephone, which shall be operated to receive complaints, requests for repairs or adjustments because of malfunctions at any time of day Sunday through Saturday, including holidays.

Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary action shall be paid by the person requesting the same, and Grantee shall have the authority to require advance payment. Grantee shall be given no less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

ARTICLE 11
COMPLIANCE WITH THE LAW

Grantee shall, at all times during the term of this Franchise, be subject to all lawful exercises of the police power of the City and to such reasonable regulations as the City shall prescribe for the general conduct of persons providing telecommunications service within the City.

ARTICLE 12
GRANTEE WITHOUT RECOURSE

Grantee shall have no recourse whatsoever against the City for any loss, cost, expense or damage arising out of any of the provisions or requirements of this Franchise or because of the enforcement thereof by the City, nor for the failure of the City to have the authority to grant all or any part of the Franchise.

ARTICLE 13
GRANTEE'S RATES AND REGULATIONS

Grantee shall have the right and power to fix, charge, collect and receive reasonable rates for the services it provides through its Telecommunications System; provided, that such rates shall not be established on a discriminatory basis.

ARTICLE 14
NOTICES

Whenever, under the terms of this Franchise, either party shall be required or permitted to give notice to the other, such notice shall be made in writing, and delivered by certified mail, postage prepaid, return receipt requested, as follows:

If to the City:

Almena City Clerk
PO Box 277
Almena, KS 67622
Phone:

If to Grantee:

Community Development/Legal Analyst
Nex-Tech, LLC
PO Box 158
Lenora, KS 67645

ARTICLE 15
MISCELLANEOUS PROVISIONS

15.1 Supersedes Prior Ordinances. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed as of the Effective Date of this Ordinance. This Ordinance specifically supersedes the previously adopted Ordinances.

15.2 Binding Effect. All provisions of this Ordinance shall be binding upon Grantee and all its subsidiaries, successors, transferees and assigns, whether expressly stated herein or not.

15.3 Assignment. City shall not sell, assign or transfer this Agreement or any part thereof without the prior written consent of Grantee; however, Grantee may, without the consent of City assign any or all of its rights and obligations under this Agreement to its parent, any subsidiary (of Grantee or its parent), or any affiliate (of Grantee or its parent) or to any successor in interest pursuant to a sale of stock or assets, merger, acquisition, or reorganization.

15.4 Negotiations. In the event the parties are actively negotiating in good faith a new contract franchise ordinance or an amendment to this Contract franchise upon the termination date of this Contract Franchise, the parties by written mutual agreement may extend the termination date of this Contract franchise to allow for further negotiations. Such extension period shall be deemed a continuation of this Contract franchise and not as a new contract franchise ordinance or amendment.

PASSED AND ADOPTED by the City Council of the City of Almena, Kansas, on this 6th day of September, 2022.

EFFECTIVE DATE: (Published date)
September 14, 2022

CITY OF ALMENA, KANSAS

By: _____
Mayor

ATTEST:

_____
City Clerk

ORDINANCE NO. 455

ANNUAL APPROPRIATION ORDINANCE
FOR THE CITY OF ALMENA, KANSAS

An Ordinance to make appropriations for the current expenses and other expenditures of the City of Almena, Kansas, during the fiscal year ending December 31, 2023.

Section 1. BE IT ORDAINED by the Governing Body of the City of Almena, Kansas that to provide for the current expenses and other expenditures of the said city during the fiscal year ending December 31, 2023, the City hereby appropriates all sums set forth in the City's adopted budget for the year 2023.

NOW, THEREFORE, this Ordinance is made in order to provide for payroll and the acquisition of the necessary supplies, equipment repairs, and improvements as needed for 2023.

THE CLERK, OR BY THE DEPUTY CITY CLERK AT THE DIRECTION OF THE CLERK, AND TREASURER ARE HEREBY AUTHORIZED to draw warrants for payments from any appropriate funds upon receiving proper vouchers therefore, approved by the officers authorized by law to approve the same, or an ordinance of resolution of council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

Section 2. This ordinance shall take effect upon its adoption.

PASSED AND APPROVED this 3rd day of January, 2023.

CITY OF ALMENA, KANSAS

Robert Hawks

Robert Hawks, Council President

ATTEST:

Catherine J. Rivera

Catherine Rivera, Almena City Clerk

ORDINANCE NO. 456

AN ORDINANCE AMENDING REGULATIONS DIRECTING REMOVAL OF VEHICLES FROM CERTAIN STREETS DURING EMERGENCIES OR SNOW EVENTS WITHIN THE CITY OF ALMENA, KANSAS

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

Section One. That Subsection (b) of Section 14-204 of the Code of the City of Almena, Kansas, regarding implementation of the emergency route ordinance is hereby amended in its entirety and replaced with the following provision:

"*Implementation of this section.* The Emergency Routes section shall be in effect whenever there is an accumulation of an inch or more of snow or the same is forecast to fall in the immediate future on the basis of a forecast by the U.S. Weather Bureau or other weather service, or in the event that the Mayor shall publicly announce, through all news media available at the time, when an emergency condition exists, that the 'Emergency Route Ordinance' is in effect, on streets marked by 'Emergency Route' or 'Snow Route' signs ."

Section Two. That Subsection (g)(1) of Section 14-204 of the Code of the City of Almena, Kansas is hereby amended in its entirety and replaced with the following provision:

"Upon the implementation of this section as provided in subsection (b), and when the Emergency Route Ordinance is in effect, the streets listed in this section shall be designated and signed 'Emergency Route" or 'Snow Route' and there shall be no parking thereon, and violating vehicles and trailers shall have violation notices placed thereon. 'Emergency Route' or 'Snow Route' signs shall be posted on the right-hand side of the driving lane at intervals not to exceed two (2) blocks."

Section Three. This ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND APPROVED this 3rd day of April, 2023.

CITY OF ALMENA, KANSAS

(SEAL)

Tracy Stutsman

Tracy Stutsman, Mayor

ATTEST:

Catherine F. Rivera

Cathy Rivera, Almena City Clerk

ORDINANCE NO. 457

AN ORDINANCE AMENDING RATES CHARGED FOR USE OF WATER WITHIN THE CITY OF ALMENA, KANSAS

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALMENA KANSAS:

SECTION ONE. Section 15-221 of the code of the City of Almena, Kansas, is hereby amended to read as follows:

"**RATES. The rates per month for the use of water in the City shall be as follows:**

(a) For customers within the City: $38.00 for the first 4,000 gallons of water used and an additional $.50 per 100 gallons used in excess of 4,000 gallons and an additional $.80 per 100 gallons used in excess of 10,000 gallons.

(b) For customers outside the City: $38.00 for the first 4,000 gallons of water used and an additional $.50 per 100 gallons used in excess of 4,000 gallons and an additional $.80 per 100 gallons used in excess of 10,000 gallons".

SECTION TWO. Ordinances of the City of Almena Kansas, in conflict with the terms of this ordinance are hereby repealed.

SECTION THREE. This ordinance shall take effect on September 29th, 2023.

PASSED AND ADOPTED this 10th day of July, 2023

CITY OF ALMENA, KANSAS

(Seal)

Tracy Stutsman, Mayor

Catherine Rivera, City Clerk

ORDINANCE NO. 458

AN ORDINANCE REGULATING THE CONSTRUCTION OF FENCES WITHIN THE CITY OF ALMENA, KANSAS

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

Section One. That Chapter XVI of the Code of the City of Almena, Kansas, regarding zoning is hereby amended by adding a Section with the following provisions:

"Section 16-201. **FENCING REGULATIONS.** The following regulations shall apply to the construction of fences:

1. No fence, including a living fence, shall be constructed or remain on property, which will constitute a traffic hazard or in any way obstruct traffic or the view of traffic. Any living fence extending into the traffic sight triangle shall be pruned to maintain a minimum obstruction-free height of three feet above the finished ground level.

2. No fence shall be constructed in such a manner or design as to be hazardous or dangerous to persons or animals.

3. No fence shall be constructed using hog wire or plywood.

4. No fence of barbed wire shall be built, constructed or maintained with barbed wire upon it, upon or along any street, avenue or alley unless the barbed wire is employed at a height of at least six feet above the ground or surface.

5. Electric fences shall be prohibited inside the City limits, unless all the following conditions are met:
   a. The electric fence is to protect a garden;
   b. The installed electric fencing and equipment were procured from a commercially available source;
   c. The electric fencing is in the back yard of the property;
   d. The electric fencing is placarded with notice warnings that identify the fence as an electric fence;
   e. The electric fence is composed of smooth wire or synthetic webbing with conductive wiring.

6. Fences in any front yards may not exceed 48 inches in height and built so as not to obstruct the view of traffic and be of at least 50% opaque material. Fences in front yards shall be made of the following permitted material: wood, wrought iron, tubular aluminum, chain link, aluminum, quality vinyl and other approved quality materials. Wood fences shall be pressure treated, painted or stained.

7. Fences in rear yards or side yards shall not exceed six feet in height, unless an application has been made for a building permit. Fencing may be allowed up to eight feet, with an approved permit, when such fencing is commensurate with the landscaping or fencing in the neighborhood; or for the purposes of providing privacy, security or screening; or for the screening or security of stored materials.

8. The height restrictions shall not apply to any fence enclosing a tennis court, swimming pool, playing field, park, recreation facility, electric substation, gas regulator station, sand and gravel excavation or noise barrier approved by the City Building Inspector or Superintendent.

9. *Nonconforming Uses.* Upon the effective date of this ordinance, any lawfully existing nonconforming use of all or part of a fence, excepting those fences described in subsections 1 through 5 herein, may be continued, so long as otherwise lawful. A nonconforming use shall not be extended, expanded, enlarged or increased unless such fencing and the use thereof shall thereafter conform to these regulations.

Section Two. This ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND APPROVED this 5th day of September, 2023.

CITY OF ALMENA, KANSAS

(SEAL)

Tracy Stutsman, Mayor

ATTEST:

Catherine F. Rivera

Catherine Rivera, Almena City Clerk

ORDINANCE NO. _____

AN ORDINANCE REGULATING THE CONSTRUCTION OF FENCES WITHIN THE CITY OF ALMENA, KANSAS

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

Section One. That Chapter XVI of the Code of the City of Almena, Kansas, regarding zoning is hereby amended by adding a Section with the following provisions:

"Section 16-201. **FENCING REGULATIONS.** The following regulations shall apply to the construction of fences:

1. No fence, including a living fence, shall be constructed or remain on property, which will constitute a traffic hazard or in any way obstruct traffic or the view of traffic. Any living fence extending into the traffic sight triangle shall be pruned to maintain a minimum obstruction-free height of three feet above the finished ground level.

2. No fence shall be constructed in such a manner or design as to be hazardous or dangerous to persons or animals.

3. No fence shall be constructed using hog wire or plywood.

4. No fence of barbed wire shall be built, constructed or maintained with barbed wire upon it, upon or along any street, avenue or alley unless the barbed wire is employed at a height of at least six feet above the ground or surface.

5. Electric fences shall be prohibited inside the City limits, unless all the following conditions are met:
   a. The electric fence is to protect a garden;
   b. The installed electric fencing and equipment were procured from a commercially available source;
   c. The electric fencing is in the back yard of the property;
   d. The electric fencing is placarded with notice warnings that identify the fence as an electric fence;
   e. The electric fence is composed of smooth wire or synthetic webbing with conductive wiring.

6. Fences in any front yards may not exceed 48 inches in height and built so as not to obstruct the view of traffic and be of at least 50% opaque material. Fences in front yards shall be made of the following permitted material: wood, wrought iron, tubular aluminum, chain link, aluminum, quality vinyl and other approved quality materials. Wood fences shall be pressure treated, painted or stained.

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9. *Nonconforming Uses.* Upon the effective date of this ordinance, any lawfully existing nonconforming use of all or part of a fence, excepting those fences described in subsections 1 through 5 herein, may be continued, so long as otherwise lawful. A nonconforming use shall not be extended, expanded, enlarged or increased unless such fencing and the use thereof shall thereafter conform to these regulations.

Section Two. This ordinance shall be published in the official City newspaper and take effect upon publication.

PASSED AND APPROVED this _____ day of _____, 2023.

CITY OF ALMENA, KANSAS

(SEAL)

_____

Tracy Stutsman, Mayor

ATTEST:

_____

Catherine Rivera, Almena City Clerk