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ORDINANCE NO. 289

AN ORDINANCE RESTRICTING TRAFFIC ON THAT PORTION OF SECOND STREET BETWEEN IOWA AVENUE AND A POINT ONE-HUNDRED THIRTY FEET EAST OF ILLINOIS AVENUE, ALL WITHIN THE CITY OF BREWSTER, KANSAS.

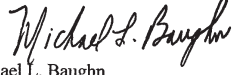
BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BREWSTER, KANSAS:

SECTION 1: That the Governing Body of the City of Brewster, Thomas County, Kansas, having found that it would be to the best interest of the people of Brewster, does hereby close that portion of Second Street between Iowa Avenue and a point one-hundred thirty feet (130') east of Illinois Avenue to through traffic.

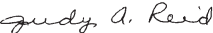
SECTION 2: A sign, or signs, shall be erected on Second Street on the west side of Iowa Avenue designating that portion of Second Street referenced in Section 1, "NOT A THRU STREET."

SECTION 3: This ordinance shall take effect and be in force from and after its publication in the official City paper.

PASSED by the Council and APPROVED by the Mayor, January 12, 2006.

  
Michael L. Baughn  
Mayor of the City of Brewster,  
Thomas County, Kansas

ATTEST:

  
Judy A. Reid  
City Clerk

((SEAL))

(Published in the Colby Free Press on January 20, 2006.)

ORDINANCE NO. 1390

AN ORDINANCE REZONING A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION SEVEN, TOWNSHIP EIGHT SOUTH, RANGE THIRTY-THREE WEST OF THE SIXTH PRINCIPAL MERIDIAN FROM R-1 (SINGLE FAMILY DWELLING DISTRICT) TO C-2 (NEIGHBORHOOD COMMERCIAL DISTRICT). (KOJAC, LLC)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS, COUNTY OF THOMAS, STATE OF KANSAS:

SECTION 1. Pursuant to the Public Hearing by the Colby-Thomas County Metropolitan Area Planning Commission as required by law, the following described real estate within the City of Colby, Kansas, is hereby changed from R-1 (Single Family Dwelling District) as defined by Section 21-103, Zoning Ordinance of 1997, as incorporated by Ordinance No. 1257 and Amendments thereto, to C-2 (Neighborhood Commercial District), as defined by Section 21-110, Zoning Ordinance of 1997, as incorporated by Ordinance No. 1257 and Amendments thereto. Said real estate is described as follows, to-wit:


A tract of land located in the Southwest Quarter (SW¼) of Section Seven (S07), Township eight south (T8S), Range Thirty-three West (R33W) of the Sixth Principal Meridian (6<sup>th</sup> P.M.) in Thomas County, Kansas, more particularly described as follows:

Commencing at the southeast corner of said Quarter, thence, on an assumed bearing of N00°05'17"E, along the east line of said Quarter, a distance of seventy and no hundredths (70.00) feet, and N89°56'45"W for a distance of eight hundred thirty-two and no hundredths (832.00) feet to the point of beginning.


From the point of beginning, thence N89°56'45"W for a distance of six hundred twenty-five and forty-six hundredths (625.46) feet, thence N72°24'35"W for a distance of twenty-two and three hundredths (22.03) feet, thence N00°12'21"E for a distance of six hundred forty-three and thirty-six hundredths (643.36) feet, thence S89°56'45"E for a distance of six hundred forty-five and fifteen hundredths (645.15) feet, thence S00°05'17"W for a distance of six hundred fifty and no hundredths (650.00) feet to the point of beginning, containing 9.64 acres.

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

PASSED BY THE GOVERNING BODY AND SIGNED BY THE MAYOR this 17<sup>th</sup> day of January, 2006.

  
Warren C. Hixson, Mayor

ATTEST:

  
Beverly J. Stieben, City Clerk

SEAL

(Published in the Colby Free Press on January 20, 2006.)

ORDINANCE NO. 288

AN ORDINANCE VACATING SECOND STREET BETWEEN ILLINOIS AVENUE TO A POINT ONE-HUNDRED THIRTY FEET EAST OF ILLINOIS AVENUE, ALL WITHIN THE CITY OF BREWSTER, KANSAS, AND RESERVING UTILITY RIGHTS AND EASEMENTS THEREIN.

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

SECTION 1: That the Governing Body having found it would be to the best interest of the adjacent property owners and the people of the City of Brewster, Thomas County, Kansas, do hereby vacate Second Street between Illinois Avenue to a point one-hundred thirty feet (130') east of Illinois Avenue, all within the City of Brewster, Kansas.

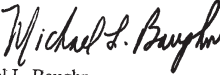
SECTION 2: The Governing Body of the City of Brewster, Thomas County, Kansas, has the authority pursuant to K.S.A. 15-427 to vacate the said portion of Second Street.

SECTION 3: The portion of Second Street so vacated shall revert to the owners of real estate thereto adjacent on each side, in proportion to the frontage of such real estate; provided, however, that the City of Brewster does hereby reserve unto themselves and unto the public utilities serving the City of Brewster, Thomas County, Kansas, all sewer and water lines and all appurtenances, visible or invisible, and all gas transmission lines, meters and appurtenances, whether visible or invisible, all electrical transmission lines, telephone lines, poles, cable television lines and poles and appurtenances, whether visible or invisible, and any and all other utilities located thereon or necessary in the future, and does reserve unto itself and for said public utilities, the right to install said lines, pipelines and appurtenances thereto, together with the right of ingress and egress thereon by the city of their agents or the various utilities or their agents for the purpose of removing, repairing, replacing, relocating, improving or extending any of said utility facilities under, over, upon or in conjunction with said utilities upon said vacated street, together with the right to locate new utilities thereon if the same should become necessary, upon license granted by the City of Brewster, Kansas.


SECTION 4: After this ordinance becomes effective, the City Clerk shall immediately file a copy of this ordinance, which shall be certified by said City Clerk as a true correct copy, in the office of the County Clerk and in the office of the Register of Deeds of Thomas County, Kansas.

SECTION 5: This ordinance shall take effect and be in force from and after its publication in the official City paper.

PASSED by the Council and APPROVED by the Mayor, January 12, 2006.

  
Michael L. Baughn  
Mayor of the City of Brewster,  
Thomas County, Kansas

ATTEST:

  
Judy A. Reid  
City Clerk

((SEAL))

(Published in the Colby Free Press on January 20, 2006.)

RESOLUTION NO. 2006-5

*A resolution expressing the property taxation policy of the Board of County Commissioners Fire District #4 with respect to financing the 2006 annual budget for Rural Fire District #4, Thomas County, Kansas.*

Whereas, K.S.A. 79-2925b provides that a resolution be adopted if property taxes levied to finance the 2006 Rural Fire District #4 budget exceed the amount levied to finance the 2005 Rural Fire District #4 budget, except with regard to revenue produced and attributable to the taxation of 1) new improvements to real property; 2) increased personal property valuation, other than increased valuation of oil and gas leaseholds and mobile homes; and 3) property which has changed in use during the past year, or with regard to revenue produced for the purpose of repaying the principal of and interest upon bonded indebtedness, temporary notes, or no-fund warrants; and

Whereas, budgeting, taxing and service level decisions for all district services are the responsibility of the board; and

Whereas, Rural Fire District #4 provides essential services to protect the safety and well being of the citizens of the district; and

Whereas, the cost of provision of these services continues to increase.

NOW, THEREFORE, BE IT RESOLVED by the Board of Thomas County Commissioners Rural Fire District #4 of Thomas County, Kansas that is our desire to notify the public of the possibility of increased property taxes to finance the 2006 Rural Fire District #4 budget as defined above.

Adopted this 16TH day of JANUARY, 2006 by the Thomas County Commissioners Rural Fire District #4, Thomas County, Kansas.

*/s/ Ronald Sturme*  
Chair

ATTEST: */s/ Shelly Q. Norma*  
County Clerk

(Published in the Colby Free Press on January 20, 2006.)

COMMISSIONERS QUARTERLY FINANCIAL REPORT

October/November, December 2005

FUND	BALANCE	EXPENDITURES	RECEIPTS	BALANCE
GENERAL FUND	580,170.97	493,345.81	333,827.93	420,653.09
TH CO SHER FORFEITURE FD	26,119.85	85,000.62	80,609.18	21,728.41
TH CO ATTY FORFEITURE FD	195,662.15	9,729.76	7,175.81	193,108.20
BUILDING MAINTENANCE	94,771.56	6,175.85	1,039.88	89,635.59
NINE ONE ONE FUND	87,178.35	8,384.26	13,842.82	92,636.91
ROAD AND BRIDGE FUND	94,568.05	229,901.95	236,562.82	101,218.92
FREE FAIR	4,544.02	8,548.13	6,857.70	2,853.59
FAMILY PLANNING	15,588.07	9,090.75	7,612.31	14,110.63
HEALTH FUND	13,704.55	91,344.54	60,286.96	(17,341.03)
COUNTY ROAD LEVY	47,672.25	52,734.01	5,061.76	0.00
ELECTION FUND	4,789.68	3,480.52	261.88	1,571.04
EMPLOYEE BENEFIT FUND	18,592.83	73,722.57	55,129.74	0.00
EXTENSION COUNCIL	13,094.19	0.00	1,729.99	14,824.18
MENTAL HEALTH FUND	0.00	747.70	747.70	0.00
NOXIOUS WEED FUND	54,038.58	43,808.69	18,783.25	29,013.14
HISTORICAL SOCIETY	1,943.37	27,816.34	25,904.20	31.23
AMBULANCE FUND	87,310.30	73,721.56	64,809.90	78,398.64
MENTAL RETARDATION	9,489.21	4,675.18	1,336.64	6,150.67
MATERNAL CHILD HEALTH	1,056.05	8,378.72	7,278.00	(5.67)
SPECIAL EQUIPMENT FUND	457,932.35	0.00	0.00	457,932.35
SPEC. HIGHWAY IMPROV FUND	293,959.84	0.00	92,000.00	385,959.84
SERVICES FOR THE ELDERLY	6,125.74	5,747.21	1,107.78	1,486.31
SPECIAL ALCOHOL FUND	748.30	2,961.19	15,640.65	13,427.96
COMMUNITY VAN	1,413.80	5,919.11	3,444.15	(1,061.16)
HAZARDOUS WASTE PROGRAM	11,155.04	1,468.29	114.72	9,801.47
RE-APPRAISAL	55,025.02	11,061.64	1,983.00	45,946.38
SANITARY LANDFILL	91,490.09	110,286.39	53,128.98	34,332.68
SPECIAL LIABILITY	15,497.98	0.00	56.45	15,554.43
JUNIOR COLLEGE TUITION	5,279.72	72.00	13.66	5,221.38
MTR VEH OPERATING FUND	13,316.23	13,514.24	10,761.75	10,563.74
LANDFILL NFW	308,299.27	5,366.32	3,979.94	306,912.89
REG OF DEEDS TECH FUND	25,167.50	8,923.32	3,230.40	19,474.58
TOTALS	\$2,635,744.91	\$1,395,927.67	\$1,114,322.15	\$2,354,139.39

A detailed statement of expenditures is available for public inspection at the county clerk's office. Copies of such Statement shall be available upon request. K. S. A. 19-228

  
Shelly Q. Norma, County Clerk

(Published in the Colby Free Press on January 20, 2006.)

ORDINANCE NO. 1391

AN ORDINANCE AMENDING ORDINANCE NO. 1257 DATED APRIL 15, 1997, INCLUDING ALL SUBSEQUENT REVISIONS, (ZONING REGULATIONS FOR THE CITY OF COLBY, KANSAS), AMENDING ELECTRICALLY-CHARGED FENCE RESTRICTIONS FOR RESIDENTIAL ZONES WITHIN THE CITY OF COLBY, KANSAS.

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

SECTION 1: Pursuant to Ordinance No. 1257, Section 21-205, a public hearing was held before the Colby/Thomas County Metropolitan Area Planning Commission on January 12, 2006, amending Electrically-Charged Fence Restrictions for Residential Zones within the City of Colby, Kansas.

SECTION 2: That Article 1, Section 21-103. R-1 – Single Family Dwelling District be amended as follows:

21-103. R-1 – Single Family Dwelling District

- Height Regulations:
  - No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.
  - Churches and educational institutions when permitted in this district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in this district.
  - Fences in front yards shall not exceed four (4) feet and fences in side and rear yards shall not exceed eight (8) feet in height. No barbed wire or electrically charged fences are allowed in a residential zone except for low voltage pet fences which must be located at least twelve (12) inches inside an exterior fence.*

SECTION 3: That Article 1, Section 21-104. R-2 – Two-Family Dwelling District be amended as follows:

21-104. R-2 – Two Family Dwelling District

- Height Regulations:
  - No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.
  - Fences in front yards shall not exceed four (4) feet and fences in side and rear yards shall not exceed eight (8) feet in height. No barbed wire or electrically charged fences are allowed in a residential zone except for low voltage pet fences which must be located at least twelve (12) inches inside an exterior fence.*

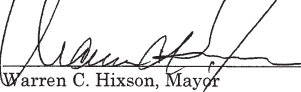
SECTION 4: That Article 1, Section 21-105. R-3 – Multiple Dwelling District be amended as follows:

21-105. R-3 – Multiple Dwelling District


- Height Regulations:
  - No building shall exceed three and one-half (3½) stories or forty-five (45) feet in height.
  - Public, semi-public or public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in this district.
  - Fences in front yards shall not exceed four (4) feet and fences in side and rear yards shall not exceed eight (8) feet in height. No barbed wire or electrically charged fences are allowed in a residential zone except for low voltage pet fences which must be located at least twelve (12) inches inside an exterior fence.*

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

PASSED BY THE GOVERNING BODY AND APPROVED BY THE MAYOR this 17<sup>th</sup> day of January, 2006.

  
Warren C. Hixson, Mayor

ATTEST:

  
Beverly J. Stieben, City Clerk

SEAL

(Published in the Colby Free Press on January 20, 2006.)

CITY TREASURERS YEARLY FINANCIAL STATEMENT CITY OF BREWSTER, KANSAS JAN. – DEC. 2005				
FUNDS	BEGINNING BALANCES	RECEIPTS	CHECKS	ENDING BALANCES
General	24,842.02	120,598.46	107,893.25	37,547.23
Employee Benefits	28,908.12	56,285.68	42,840.91	42,352.89
Trash	31,017.48	17,555.62	14,023.89	34,549.21
Water Utilities	33,370.42	39,384.82	29,441.23	43,314.01
Special Highway	8,091.89	7,922.72	2,582.19	13,432.42
Special Fire	61,374.15	6,221.75	0.00	67,595.90
Sewer	27,069.13	5,313.00	12,923.12	19,459.01
P/R Clearing	7.16	7,792.00	7,741.00	58.16
Totals	214,680.37	261,074.05	217,445.59	258,308.83
Available Cash:	Farmers Bank & Trust Investments		113,909.31	144,399.52
			258,308.83	
Bonded Indebtedness:	0			

I, Judy A. Reid do hereby certify that the above statement is correct.  
(Published in the Colby Free Press on January 20, 2006.)

RESOLUTION NO. 2006-6

*A resolution expressing the property taxation policy of the Board of County Commissioners Fire District #5 with respect to financing the 2006 annual budget for Rural Fire District #5, Thomas County, Kansas.*

Whereas, K.S.A. 79-2925b provides that a resolution be adopted if property taxes levied to finance the 2006 Rural Fire District #5 budget exceed the amount levied to finance the 2005 Rural Fire District #5 budget, except with regard to revenue produced and attributable to the taxation of 1) new improvements to real property; 2) increased personal property valuation, other than increased valuation of oil and gas leaseholds and mobile homes; and 3) property which has changed in use during the past year, or with regard to revenue produced for the purpose of repaying the principal of and interest upon bonded indebtedness, temporary notes, or no-fund warrants; and

Whereas, budgeting, taxing and service level decisions for all district services are the responsibility of the board; and

Whereas, Rural Fire District #5 provides essential services to protect the safety and well being of the citizens of the district; and

Whereas, the cost of provision of these services continues to increase.

NOW, THEREFORE, BE IT RESOLVED by the Board of Thomas County Commissioners Rural Fire District #5 of Thomas County, Kansas that is our desire to notify the public of the possibility of increased property taxes to finance the 2006 Rural Fire District #5 budget as defined above.

Adopted this 16TH day of JANUARY, 2006 by the Thomas County Commissioners Rural Fire District #5, Thomas County, Kansas.

*/s/ Ronald Sturme*  
Chair

ATTEST: */s/ Shelly Q. Norma*  
County Clerk

(Published in the Colby Free Press on January 20, 2006.)

ORDINANCE NO. 1389

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS ON CERTAIN PROPERTY TO PAY THE COSTS OF INTERNAL IMPROVEMENTS IN THE CITY OF COLBY, KANSAS, AS HERETOFORE AUTHORIZED BY RESOLUTION NO. 915 OF THE CITY, AND PROVIDING FOR THE COLLECTION OF SUCH SPECIAL ASSESSMENTS. (Sewer Improvements - Blocks One and Two - Rodenbeck Industrial Park)

WHEREAS, The City Council of the City of Colby, Kansas has heretofore authorized certain internal improvements to be constructed pursuant to K.S.A. 12-6a01 et seq.(the "Act"); and

WHEREAS, the City Council has heretofore conducted a public hearing in accordance with the Act and desires to levy assessments on certain property benefitted by the construction of the improvements.

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

SECTION 1. Levy of Assessments. For the purpose of paying the costs of constructing a sanitary sewer extension, including 8" sanitary sewer main, manholes and all necessary appurtenances thereto (Project No. 251-D1-002), along the north side of Horton Avenue in the City of Colby, Thomas County, Kansas, against the property described in Exhibit A attached hereto.

SECTION 2. Payment of Assessments. The amounts so levied and assessed in Section 1 of this Ordinance shall be due and payable from and after the date of publication of this Ordinance. Such amounts may be paid in whole or in part within 30 days of the date of publication of this Ordinance.

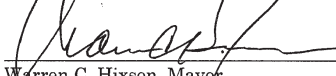
SECTION 3. Notification. The City Clerk shall notify the owners of the properties described in Exhibit A attached hereto, insofar as known to said City Clerk, of the amounts of their respective assessments; and, said notice shall further state that unless such assessments are paid within thirty (30) days from the date of publication of this Ordinance, the amount of such assessment will be collected in installments with interest.

SECTION 4. Certification. Any amount of special assessment not paid within the time prescribed in Section 2 hereof shall be certified by the City Clerk to the

County Clerk in the same manner and at the same time as other taxes are certified and will be collected over a period of 10 years, together with interest on such amounts at Five Percent (5%). Interest on the assessed amount remaining unpaid between the effective date of this Ordinance and the date the first installment is payable, but not less than the amount of interest due during the coming year shall be added to the first installment. The interest for one year on all unpaid installments shall be added to each subsequent installment until paid.

SECTION 5. Effective date. This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official City newspaper.

PASSED AND APPROVED by the City Council of the City of Colby, Kansas on January 17, 2006.

  
Warren C. Hixson, Mayor

ATTEST:

  
Beverly J. Stieben, City Clerk

SEAL

Exhibit A

Rodenbeck Industrial Park  
Block One and Block Two

Resolution No. 915

<u>DESCRIPTION OF PROPERTY</u>	<u>ASSESSMENT</u>
Lot 1, Block 1, Rodenbeck Industrial Park	\$ 6,924.64
Lot 2, Block 1, Rodenbeck Industrial Park	6,887.10
Lot 3, Block 1, Rodenbeck Industrial Park	9,583.17
Lot 4, Block 1, Rodenbeck Industrial Park	6,804.91
Lot 5, Block 1, Rodenbeck Industrial Park	6,771.15
Lot 6, Block 1, Rodenbeck Industrial Park	6,736.94
Lot 7, Block 1, Rodenbeck Industrial Park	6,752.93
Lot 8, Block 1, Rodenbeck Industrial Park	6,926.30
Lot 9, Block 1, Rodenbeck Industrial Park	5,518.97
Lot 10, Block 1, Rodenbeck Industrial Park	6,664.08
Lot 11, Block 1, Rodenbeck Industrial Park	4,442.72
Lot 1, Block 2, Rodenbeck Industrial Park	6,247.35
Lot 2, Block 2, Rodenbeck Industrial Park	6,247.35
Lot 3, Block 2, Rodenbeck Industrial Park	6,247.35
Lot 4, Block 2, Rodenbeck Industrial Park	6,247.35
Lot 5, Block 2, Rodenbeck Industrial Park	6,247.35
Lot 6, Block 2, Rodenbeck Industrial Park	6,247.35
Lot 7, Block 2, Rodenbeck Industrial Park	6,247.35
Lot 8, Block 2, Rodenbeck Industrial Park	6,247.35
Lot 9, Block 2, Rodenbeck Industrial Park	6,248.68
Lot 10, Block 2, Rodenbeck Industrial Park	6,441.94
Lot 11, Block 2, Rodenbeck Industrial Park	14,525.02