Public Notices

Electricity ordinance

PUBLIC NOTICE

(Published in The Oberlin Herald, Wednesday, November 21, 2007)1t

ORDINANCE NO. 2007-1

AN ORDINANCE GRANTING TO MIDWEST ENERGY, INC., A KANSAS CORPORATION, ITS SUCCESSORS AND ASSIGNS, AN **ELECTRIC FRANCHISE PRESCRIBING** THE TERMS THEREOF AND RELATING THERETO, AND REPEALING ALL ORDI-NANCES OR PARTS OF ORDINANCES INCONSISTENT WITH OR IN CONFLICT WITH THE TERMS THEREOF.

BE IT ORDAINED BY THE GOVERN-ING BODY OF THE CITY OF DRESDEN,

Section 1. That, in consideration of the benefits to be derived by the City of Dresden, 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 Dresden, Kansas, for the purpose of constructing, erecting, operating and maintaining electric transmission and distribution lines and all necessary facilities and appurtenances for use in the transmission, distribution and sale of electricity for all purposes to said City and its inhabitants for a period of twenty (20) years from the date of passage of this Ordinance through the 13th day of November, 2027.

Section 2. The Company is hereby given the right, under the supervision of the Governing Body of the City, and within the City limits, to trim and cut such trees and foliage as may be reasonably necessary to prevent the same from interfering with the safe and efficient operation and maintenance of its transmission lines, distribution system, street lighting equipment, and to establish reasonable rules and regulations for the conduct of its business.

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 electrical energy 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 or to any other person, firm or corporation 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 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 electric facilities, Company shall, at City request, relocate its electric 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 electric 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.

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

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 Dresden, 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 three percent (3%) of the gross revenue derived from the sales of electric power and energy within the corporate limits of said City, such payment to be made to the City monthly for the preceding monthly period.

If and when retail wheeling becomes an option, this ordinance may be opened so that a franchise tax may be collected on such electric energy that is being wheeled through Midwest Energyís local distribution system in the city limits of Dresden, Kansas. The option to reopen this provision of Section 6 will not effect the other terms of this ordinance

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 publica tion as required by law, and a map of the city

detailing the annexed area.

shall become null and void.

Section 7. Without affecting the other terms of this Ordinance, as further consideration $% \left(1\right) =\left(1\right) \left(1\right)$ 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 electric 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

Section 8. That the Company, its successors and assigns, in the construction maintenance and operation of its electric transmission, distribution and street lighting 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 Dresden, 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

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.

5B CH 47 4

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 Oberlin Herald, the official city newspaper.

FINAL ADOPTION AND PASSAGE by the Governing Body of the City of Dresden, Kansas, this 13th day of November, 2007.

Scott Taylor, Mayor

Lillian Sulzman, City Clerk

Earnest A. Lehman President, Midwest Energy, Inc.

ATTEST Sharon K. Dreher Assistant Secretary, Midwest Energy, Inc.

Commission proceedings

(Published in The Oberlin Herald, Wednesday, November 21, 2007)1t

COMMISSIONER PROCEEDINGS MONTH OF OCTOBER 2007

COMMISSIONER PROCEEDINGS SALA-RIES IN GROSS AMOUNTS PAID 11-31-07: GENERAL 52.910.46: R/B 36.897.77: HEALTH 4,984.00; AMBULANCE 5,796.10; NOXIOUS WEED 4.969.35: ELECTION 1,063.00; TRANSBUS 1,917.86; RFD 505.00; TREAS AUTO 5.600.00 TOTAL PAYROLL: \$114,643.54.

ACCTS PAYABLE WARRANTS OCTOBER PAID 11-13-07: Advance Ins 192.24; Allied Oil Supply 443.50; Alltel Comm 81.23; Apria lealthCare 76.50; AT&T 121.51; AT&T 829.34 AT&T/SBC 280.03; Barrett Law Firm 427.00; Beaver Valley RFD 2,500.00; Jack Benton 63.90; Berry Tractor 370.60; Nancy Bollig 168.60; Doyle Brown 254.20; C W Beamgard 114.60; City of Jennings 517.20; City of Oberlin 2.896.38; CMA Dist 483.61; Colby Bearing 235.99; Colby Glass 150.00; Conoco 144.67 Conoco/Sheriff 55.03; Bert Cool 799.78; Bert Cool 483.08; Corp Plan Emp Trust Fund 14,846.16; Corp Plan Mngmt 22,095.99; Corp Plan Mngmt 19,087.07; Culligan Water 116.00; Custom Trophy & Engraving 199.50; Cytocheck Lab 1,037.75; D&M Sinclair 811.48; Dales Fish N Fun 97.06; Decatur Cnty Emp

Cafeteria 945.00; Decatur Cnty Hwy Dept 9,633.84; Decatur Cnty Nox Weed 653.48; Decatur Coop 1,090.61; Dollar General 64.00; Eagle Comm 99.95; Eagle Comm 204.85; Eakes Office Prod 95.89; Edwards Machine Shop 300.00; Fidele Electric & Wood Crafting 186.97; Fifth Wheel 3,375.00; Judy Gaumer 441.45; Hancock Gravel 11,249.02; Hays Mack Sales 97.35; Hirsch & Pratt 2,253.72; Holiday Inn 74.55; Hot Brush Pro Lettering 220.00; Hyatt Hotels Corp of KS 996.40; Ideal Linen 105.27; Ingenix 50.37; Inland Business Svs 198.00: Kans-a-n 191.91: KONE 398.40: KONE 398.40; KS Assoc of Counties 1,180.00; Lewis & Beims 96.00; Reva Marshall 268.65 Martin Tractor 747.76; McKesson Medical 8 Surgical 360.70; Med-Tech Resource 189.04; Merck & Co 847.80; Mes Inc 1,218.85; Mid Plains Energy 179.19; Midwest Energy 376.04; Midwest Energy 112.02; Murphy/Powerplan 143.66; Nex-Tech (rural) 411.64; Nex-Tech (wireless) 254.94; Norcatur Sr Citizens 742.00; Norton Cnty Clerks Office 216.96; NW Fire Extinguisher 93.00; Oberlin Automotive 771.07; Oberlin Car Wash 100.00; Oberlin Herald 879.58; Oberlin Meal Site 161.00; Oberlin Medical Arts 503.00; Oberlin Tire & Service 144.50; Office Works 362.41; Oldham Sales 61.00: Jeanne Pachner 118.34: Penco Eng. 5,200.00; Prairie Land Electric 50.51; Quality Truck & Auto 262.31; R&M Service Center 87.00; Rayes Grocery 570.52; RDJ Specialties 209.00; Resource Mngmt 344.14; S W Implement 124.91: Aden Schillig 1.000.00: Share Corp 378.31; Shell Fleet 51.27; Spresser Tire 85.00: Stanley Hardware 111.37: Star Programming 3,350.00; Stellar Sales 24,485.00; Stellar Sales 65.00; Sunflower Senior Center 1,104.08; Super 8 Salina 183.93; The Radar Shop 117.00; Top Office Products 87.85; U S Postmaster 123.00; Underground Vaults &

Equip 639.95; 3T Supply 683.10; TOTAL ACCTS PAYABLE \$156,244.91 **INCLUDING WARRANTS \$50.00 & UNDER** AT \$457.92.

Storage 500.00; Ralph D Unger 288.47; United

Business Supply 194.19; Van Diest 299.00; Vegetation Mngmt 79.23; Voice Products

125.00; Wal-Mart Stores 68.29; Weis Fire & Safety Equip 243.15; West Group Pymnt

Center 367.80; Mark C Whitney 61.53; World Pest Control 403.50; Xtreme Public Safety

BOARD OF COMMISSIONERS RALPH D UNGER, CHAIRMAN DOYLE B BROWN, MEMBER STANLEY MCEVOY, MEMBER

ATTEST: MARILYN HORN, COUNTY

Estate of **Irene Ayers**

PUBLIC NOTICE (Published in The Oberlin Herald, Wednesday, November 21, 28, December 5, 2007)3

IN THE DISTRICT COURT OF DECATUR COUNTY, KANSAS PROBATE DIVISION

In the Matter of the Estate of IRENE AYERS, Deceased

Case No. 2006-PR-16

NOTICE OF HEARING ON PETITION FOR FINAL SETTLEMENT

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a petition has been filed in said court by Larry Ayers, executor of the estate of Irene Ayers, deceased, praying for a final settlement of said estate, approval of the acts, proceedings and accounts of the executor, allowance for the services of the executor and attorney's fees and expenses; and also praying that the court determine the heirs entitled to the estate and the proportion or part thereof to which each is entitled, and distribute and assign the same to them in accordance with the provisions of decedent's will; that the administration of the estate be closed that the executor be discharged and released from further liability.

You are hereby required to file your written defenses thereto on or before the 17th day of December 2007, at 10:00 a.m. of said day, in said court, in the city of Oberlin, Decatur County, Kansas, at which time and place said cause will be heard. Should you fail therein judgment and decree will be entered in due course upon said petition

Larry Ayers Executor

HIRSCH & PRATT, LLP 124 So. Penn--Box 296 Oberlin, KS 67749 Attorney for Estate

Steven W. Hirsch

Estate of M. Diederich

(Published in The Oberlin Herald,

Wednesday, November 7, 14, 21, 2007)3t

IN THE DISTRICT COURT OF DECATUR COUNTY, KANSAS PROBATE DIVISION

In the Matter of the Estate of MATILDA DIEDERICH, Deceased.

CONCERNED:

Case No. 2006-PR-39 NOTICE OF HEARING ON

PETITION FOR FINAL SETTLEMENT THE STATE OF KANSAS TO ALL PERSONS

You are hereby notified that a petition has been filed in said court by Allen Diederich executor of the estate of Matilda Diederich deceased, praying for a final settlement of said estate, approval of the acts, proceedings and accounts of the executor, allowance for the services of the executor and attorney's fees and expenses; and also praying that the court determine the heirs entitled to the estate and the proportion or part thereof to which each is entitled, and distribute and assign the same to them in accordance with the provisions of decedent's will; that the administration of the es-

and released from further liability. You are hereby required to file your writter defenses thereto on or before the 30th day of November, 2007, at 10:00 a.m. of said day, in said court, in the city of Oberlin, Decatur County, Kansas, at which time and place said cause will be heard. Should you fail therein judament and decree will be entered in due course upon said petition.

tate be closed; that the executor be discharged

Allen Diederich

Steven W. Hirsch HIRSCH & PRATT, LLP 124 So. Penn--Box 296 Oberlin, KS 67749 Attorney for Estate

Estate of June Harold

PUBLIC NOTICE (Published in The Oberlin Herald. Wednesday, November 21, 28, December 5, 2007)3t

IN THE DISTRICT COURT OF DECATUR COUNTY, KANSAS PROBATÉ DIVISION

In the Matter of the Estate of JUNE HAROLD, Deceased

Case No. 2007-PR-14 NOTICE OF HEARING ON

PETITION FOR FINAL SETTLEMENT

THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that a petition has been filed in said court by Kay Harold, executor of the estate of June Harold, deceased, praying for a final settlement of said estate, approval of the acts, proceedings and accounts of the executor, allowance for the services of the executor and attorney's fees and expenses; and also praying that the court determine the heirs entitled to the estate and the proportion or part thereof to which each is entitled, and distribute and assign the same to them in accordance with the provisions of decedent's will that the administration of the estate be closed that the executor be discharged and released from further liability.

You are hereby required to file your written defenses thereto on or before the 17th day of December 2007, at 10:00 a.m. of said day, in said court, in the city of Oberlin, Decatur County, Kansas, at which time and place said cause will be heard. Should you fail therein, judgment and decree will be entered in due course upon said petition

Kay Harold

Steven W. Hirsch HIRSCH & PRATT, LLP 124 So. Penn--Box 296 Oberlin, KS 67749 (785) 475-2296 Attorney for Estate

Radio change requested

(Published in The Oberlin Herald

Wednesday, November 7, 14, 21, 2007)3t

was filed with the Federal Communications Commission seeking authority to modify the

On October 18, 2007, an application

ATTEST:

construction permit of FM radio station KRLE to change the station's community of license from Oberlin, Kansas to Carbon Hill, Alabama and to operate a Class C1 FM broadcast station. The Executive Officers and Board of Directors of EMF are: K. Richard Jenkins, Leslie Marquard, Darrell Chambliss, Emil J. Kallina II. Dan Anto nelli, Larry Moody, David Ferry, Mitch Barnhart, Michael Novak, William C. Lyons, Rick Rohlfing, Joseph Miller, Jon Taylor, Keith Whipple, and Virginia Walker. The facility will operate or Channel 209 with an effective radiated power of .001 kilowatts horizontal and 70 kilowatts vertical. The station's transmitter will be located in Eldridge, Alabama with an antenna height above average terrain of 88 meters. A

copy of the application and related materials

are on file for public inspection at KLVR(FM),

2288 Airport Boulevard, Santa Rosa, California

Bonds for hospital

95403 during regular business hours.

(Published in The Oberlin Herald, Wednesday, November 21, 28, December 5, 2007)3t

RESOLUTION NO. 2007-47

A RESOLUTION AUTHORIZING THE AC-QUISITION, CONSTRUCTION AND EQUIP-PING OF AN OUT-PATIENT MEDICAL CLINIC FACILITY; AND PROVIDING FOR THE PAYMENT OF THE COSTS THEREOF.

WHEREAS, K.S.A. 19-4616 et seq., as amended (the "Act") authorizes the Board of County Commissioners (the "Board") of Decatur County, Kansas (the "County"), to issue and sell revenue bonds for the purpose of constructing, equipping and furnishing an addition to an existing county hospital and, f necessary, acquiring a site therefor, or for the purpose of acquiring a site for construct-ing, equipping and furnishing a new hospital building or facility, separate and apart from an existing county hospital; and

WHEREAS, Decatur County Health Systems, Inc., a county hospital duly organized by Decatur County, Kansas under the laws of the State of Kansas (the "Hospital"), desires to (1) acquire, construct and equip a new outpatient medical clinic facility (the "Project") in the estimated amount of approximately \$800,000, and (2) provide for the financing of the Project through the issuance of hospital revenue bonds by the County in an amount of approximately \$650,000 to provide for the payment of the costs of the Project and related reserves and costs of issuance, all as provided by the Act; and

WHEREAS, it is hereby found and determined that it is necessary and advisable and will promote the general health and welfare of the County and its inhabitants to proceed with the Project and the offering, issuance and delivery of revenue bonds of the Hospital in an $\,$ aggregate amount of approximately \$650,000 (the "Bonds").

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DECATUR COUNTY, KANSAS:

Section 1. <u>Declaration of Necessity</u>. The Board hereby declares its intent to acquire, construct and equip the Project at an estimated cost of \$800,000.

Section 2. Financing Authority. The of approximately \$650,000 to pay a portion of the costs of the Project and financing costs related thereto. The Bonds shall be limited obligations of the County payable solely from the revenues of the Hospital and in the manner as provided in the Bond Resolution to be adopted by the County to authorize the issuance of the Bonds and prescribe the terms and conditions thereof.

Section 3. Reimbursement Authority Bonds authorized pursuant to this Resolution may be used to reimburse project expenditures made on or after the date which is 60 days its resolution of intent to finance the Project, January 16, 2007, pursuant to Treasury Regu-

Section 4. Publication of Resolution of Intent. This resolution shall be published once each week for three consecutive weeks in the official county newspaper. No Bonds will be issued until all publications have been made, as provided by the Act.

Section 5. Effective Date. This Resolution

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF DECATUR COUNTY, KANSAS, THIS 13th DAY OF NOVEMBER,

BOARD OF COUNTY COMMISSIONERS

DECATUR COUNTY, KANSAS

Chairman, Ralph D. Unger Commissioner, Stanley A. McEvoy Commissioner, Doyle B. Brown (absent)

County Clerk, Marilyn A. Horn

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pricing.

Hansen Mueller Co. would like to thank the area producers for their business!



Please feel free to attend our **CustomerAppreciation** Supper at the American Legion

November 27, 2007

6:00 p.m. - 8:00 p.m. There will be door prizes. Come and go as you please. We hope to see you there!

Hansen Muller Co - 281 S Penn - Oberlin - 475-3116

