

Phillipsburg City Council Agenda

945 2nd Street
12/19/2016

Please mute or turn off your cell phones prior to the start of the meeting.

1. 6:00 P.M. Call To Order By Mayor Pat Hewitt
2. Reading & Approval Of The 12/05/16 Minutes

Documents:

[120516min.pdf](#)

3. Appropriation Ordinance #1055-12-16A

Documents:

[appord1216a.pdf](#)

4. City Attorney - Scott Sage
5. City Clerk - Brenda Chance
 - Procurement Policy
 - CASA office rental - painting; January
 - KPERS 457 - Roth IRA option availability
 - Phillips Co. Community Foundation Grant - Shade Tree Commission \$5,000 for tree planting
 - League training host - June 14 Personnel Management course - provide facility for 25-30 participants and morning coffee & water in exchange for a complimentary registration.
 - Recycle Tire Grant Program

Documents:

[Procurement Policy.pdf](#)
[recycletire.pdf](#)

6. Water Department Committee - Councilmember Stites
7. Streets & Solid Waste Committee - Councilmember Voorhees
8. Park, Recreation, & Cemetery Committee - Councilmember Speake
9. Finance, Audit, & Budget Committee - Councilmember Rogers
10. Airport, Library, & Community Building Committee - Councilmember Innes
11. Planning, Zoning, & Housing Committee - Councilmember James
12. Mayor's Report

Library Board appointment - Peggy King to fill unexpired term
Nex-Tech Franchise ordinance

Documents:

[ord1298.pdf](#)

13. Adjourn

**CITY OF PHILLIPSBURG
CITY COUNCIL MEETING
December 5, 2016**

The Phillipsburg City Council met in regular session on December 5, 2016, 6:00 P.M., at the Phillipsburg City Office, 945 Second Street.

- CALL TO ORDER** The meeting was called to order by Mayor Patrick Hewitt.
- ATTENDANCE** **PRESENT:** Council members Mike James; Lynette Voorhees; Rod Innes; Travis Stites; Donna Speake.
- ABSENT:** Council member Pete Rogers.
- ALSO PRESENT:** Scott Sage, City Attorney; Tim Driggs, Public Works Supervisor Jesse Rhea, reporter KKAN/KQMA; Kirby Ross, reporter Phillips County Review; Ron Lower, reporter The Advocate; Tim & Shawn Ellenberger; Angie Wells; Brenda Chance, City Clerk.
- CASA** Angie Wells, board member of CASA, asked the Council about the possibility of CASA renting office space at the Community Building. Discussion was held. It was the consensus of the Council to make office space available at the following rates: for the entire west office \$100 per month plus utilities; for the conference room and small office \$100 per month with the city paying the utilities. Sage will prepare a lease for the space.
- POST PROM
COMM BLDG
FEE** Angie Wells, representing the Post Prom Committee, requested the community building rental fees be waived for the Post Prom Daddy & Daughter Dance fundraiser. Moved by Innes, seconded by Speake, to waive the rental fees for the event. Voting Aye: ALL. Opposed: NONE.
- Jessica Norris arrived.
Wells left the meeting at 6:15 p.m.
- NEX-TECH
FRANCHISE** Jessica Norris, representing Nex-Tech, provided information concerning the renewal of the telecommunications franchise with the City. The Council will review the current agreement and discuss at the next meeting.
- Norris left the meeting at 6:20 p.m.
- MINUTES
APPROVED** Moved by Voorhees, seconded by Stites, to approve the minutes of the November 21, 2016 meeting as written. Voting Aye: ALL. Opposed: NONE.
- APPROPRIATION
ORDINANCE
#1055-11-16B** Moved by Innes, seconded by Voorhees, to approve an ordinance to pay the bills for the month of November. Voting Aye: ALL. Opposed: NONE. Statutory majority having voted for this ordinance; the city clerk assigned it ordinance #1055-11-16B.
- TITLE VI
PROGRAM** Moved by Innes, seconded by Stites to adopt the Title VI Program and Complaint Procedure. Voting Aye: ALL. Opposed: NONE. The program and procedure are attached and made a part of these minutes.

2017 CMB LICENSES	Moved by Stites, seconded by Voorhees, to approve the 2017 Cereal Malt Beverage licenses for White's KingCo., Love's Country Store #59, Alta Convenience #6208, Shopko, and Dollar General. Voting Aye: ALL. Opposed: NONE.
BONUS BUCKS	It was the consensus of the Council to give each employee \$50 of bonus bucks.
COMMUNITY BUILDING	Driggs informed the Council the agreement for the roof replacement at the community building has been signed.
LIBRARY	Discussion was held concerning the library roof and the electrical upgrades.
PUBLIC WORKS	Driggs reported on activities of the public works department. Discussion was held concerning water line repairs.
NDB	Driggs reported the old airport non-directional beacon has been removed and the property lease will expire at the end of December.
DISASTER	KDEM and FEMA officials have been working with Driggs and Chance concerning the flood damage.
VEHICLES	A 2015 Dodge ¾ ton pickup is being purchased for the public works department.
PLANNING	The next Planning Commission meeting will be December 21 at 5:30 p.m.
JPPC	Stites presented recommendations from the Joint Personnel Policy Committee (JPPC) concerning the retirement recognition. The JPPC recommended the following recognition: 5 -10 years – plaque 11-15 years - plaque plus \$200 gift 16-25 years – plaque plus \$400 gift 26 and over years – plaque plus \$800 gift
CONNECTING LINK	Discussion was held concerning the KDOT Connecting Link agreement.
APPRECIATION MEAL	The employee appreciation meal will be on December 10 th , 7 p.m., at the Huck Boyd Center.
ADJOURN	Moved by Stites, seconded by Speake, to adjourn time – 7:09 p.m.

Brenda L. Chance, City Clerk

INVOICE APPROVAL LIST REPORT - SUMMARY BY VENDOR

APPROPRIATION 1055-12-16A

Date: 12/19/2016

Time: 11:55 am

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City of Phillipsburg

Vendor Name	Vendor No.	Invoice Description	Check No.	Check Date	Check Amount
ADVANCE INSURANCE COMPANY	ADV INS	01/16 INSURANCE PREMIUM	37826	12/19/2016	<u>219.79</u>
				Vendor Total:	<u>219.79</u>
AERO-MOD, INC.	AEROMOD	BRAIDED HOSE; GASKETS FOR HOSE	37827	12/19/2016	<u>65.45</u>
				Vendor Total:	<u>65.45</u>
AFLAC	AFLAC	DEC 2016 PREMIUM	1019	12/19/2016	<u>1,859.06 H</u>
				Vendor Total:	<u>1,859.06</u>
AVID INDENTIFICATION SYSTEMS	AVID	25 PET TRAC CHIPS	37828	12/19/2016	<u>270.27</u>
				Vendor Total:	<u>270.27</u>
B & B REDI MIX INC	BBREDI	REPAIR MOWER	37829	12/19/2016	<u>983.48</u>
				Vendor Total:	<u>983.48</u>
BG CONSULTANTS, INC.	BG CONSULT	CONSTRUCTION SERVICES	37830	12/19/2016	<u>6,992.00</u>
				Vendor Total:	<u>6,992.00</u>
CARROL BITTEL	BITTEL	WELL AGREEMENT 2017	37831	12/19/2016	<u>240.00</u>
				Vendor Total:	<u>240.00</u>
BLOSSOMS AND BUTTERFLIES	BLOSSOMS	FUNERAL PLANT - KENDALL	37832	12/19/2016	<u>65.00</u>
				Vendor Total:	<u>65.00</u>
BLUE CROSS BLUE SHIELD	BLUE CROSS	01/17 PREMIUM	37833	12/19/2016	<u>28,332.11</u>
				Vendor Total:	<u>28,332.11</u>
BLUE RIBBON CAR WASH	BLUERIBB	NOV 16 VEHICLE WASH	37834	12/19/2016	<u>34.42</u>
				Vendor Total:	<u>34.42</u>
CHASE PAYMENTECH	CHASE PAYM	NOV 2016 CREDIT CARD FEES	161222	12/19/2016	<u>53.17 H</u>
				Vendor Total:	<u>53.17</u>
CLEAN-RITE JANITORIAL SUPPLY	CLEANRITE	33 GAL TRASH BAGS	37835	12/19/2016	<u>334.53</u>
				Vendor Total:	<u>334.53</u>
CLIFFS WELDING SERVICE, INC	CLIFF	OXYGEN; ACETYLENE REFILL	37836	12/19/2016	<u>85.90</u>
				Vendor Total:	<u>85.90</u>
DONS ELECTRIC & REWIND, INC.	DONS ELEC	RADIOS AT WELL 46 & 50	37837	12/19/2016	<u>6,971.00</u>
				Vendor Total:	<u>6,971.00</u>
FARM BUREAU FINANCIAL SERVIC	FARM BUR	DEC 2016 LIFE INS PREMIUM	1018	12/06/2016	<u>25.75 H</u>
				Vendor Total:	<u>25.75</u>
FIRST DATA CENTER	1ST DATA	NOVEMBER ACH FEES	37838	12/19/2016	<u>50.00</u>
				Vendor Total:	<u>50.00</u>
FIRST NATIONAL BANK - TAXES	1ST NAT TX	12/02/16 FEDERAL WITHHOLDING	161205	12/02/2016	<u>7,928.18 H</u>
FIRST NATIONAL BANK - TAXES	1ST NAT TX	12/16/16 FEDERAL WITHHOLDING	161219	12/16/2016	<u>8,732.60 H</u>
				Vendor Total:	<u>16,660.78</u>
FIRST NATIONAL BANK	1ST NAT DD	12/02/16 DIRECT DEPOSIT	161202	12/02/2016	<u>20,800.24 H</u>
FIRST NATIONAL BANK	1ST NAT DD	12/16/16 DIRECT DEPOSIT	161216	12/16/2016	<u>21,046.81 H</u>
				Vendor Total:	<u>41,847.05</u>
GREAT WEST FINANCIAL	GREATW	12/02/16 DEFERRED COMPENSATION	161203	12/02/2016	<u>772.00 H</u>
GREAT WEST FINANCIAL	GREATW	12/16/16 DEFERRED COMPENSATION	161217	12/16/2016	<u>772.00 H</u>
				Vendor Total:	<u>1,544.00</u>
HACH COMPANY	HACH	BUFFER SOLUTION; REAGENT; SULF URIC ACID	37839	12/19/2016	<u>246.70</u>
				Vendor Total:	<u>246.70</u>
HAYS FIRE & RESCUE	HAYS FIRE	REPAIRS TO CITY #835	37840	12/19/2016	<u>1,533.75</u>
				Vendor Total:	<u>1,533.75</u>
KANSAS DEPT OF REVENUE	KS TAX W/H	12/02/16 KANSAS TAX WITHHOLDIN G	161206	12/02/2016	<u>1,213.39 H</u>
KANSAS DEPT OF REVENUE	KS TAX W/H	12/16/16 KANSAS TAX WITHHOLDIN G	161220	12/16/2016	<u>1,372.34 H</u>
				Vendor Total:	<u>2,585.73</u>
KANSAS DEPT. OF REVENUE	KS SALETAX	11/16 SALES TAX	161223	12/19/2016	<u>1,658.43 H</u>

INVOICE APPROVAL LIST REPORT - SUMMARY BY VENDOR

APPROPRIATION 1055-12-16A

Date: 12/19/2016

Time: 11:55 am

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City of Phillipsburg

Vendor Name	Vendor No.	Invoice Description	Check No.	Check Date	Check Amount
				Vendor Total:	<u>1,658.43</u>
KANSAS MAYORS ASSOCIATION	KANSASMAYO	2017 MEMBERSHIP	37841	12/19/2016	<u>50.00</u>
				Vendor Total:	<u>50.00</u>
KANSAS ONE-CALL SYSTEM INC	KS ONE	NOVEMBER 2016 LOCATES	37842	12/19/2016	<u>29.00</u>
				Vendor Total:	<u>29.00</u>
KANSAS PAYMENT CENTER	KSPAY	12/02/16 CHILD SUPPORT	37820	12/02/2016	<u>561.67</u> H
KANSAS PAYMENT CENTER	KSPAY	12/16/16 CHILD SUPPORT	37843	12/19/2016	<u>561.67</u>
				Vendor Total:	<u>1,123.34</u>
KANSAS PUBLIC EMPLOYEES	KPERS	12/02/16 KPERS	161204	12/02/2016	<u>5,177.89</u> H
KANSAS PUBLIC EMPLOYEES	KPERS	12/16/16 KPERS	161218	12/16/2016	<u>5,431.86</u> H
				Vendor Total:	<u>10,609.75</u>
JAMES KNOWLES	KNOWLESJ	WASTEWATER RECERTIFICATION FEE	37844	12/19/2016	<u>20.00</u>
				Vendor Total:	<u>20.00</u>
KS DEPT. OF REVENUE	KDOR ABC	DEC 2016 CMB LICENSE STAMPS	37845	12/19/2016	<u>125.00</u>
				Vendor Total:	<u>125.00</u>
LEAGUE OF KS MUNICIPALITIES	LEAGUE	2017 MEMBERSHIP	37846	12/19/2016	<u>1,494.66</u>
				Vendor Total:	<u>1,494.66</u>
MIDWEST ENERGY, INC	MIDWEST EN	NOV 16 NATURAL GAS	37848	12/19/2016	<u>931.92</u>
				Vendor Total:	<u>931.92</u>
MUNICIPAL SUPPLY, INC	MUNISUP	TAPPING SLEEVE; PIPE; WIRE; CO NNECTORS; GLANDS; MTR CORP	37849	12/19/2016	<u>1,180.25</u>
				Vendor Total:	<u>1,180.25</u>
NEX-TECH WIRELESS, LLC	NEX-TECH W	CELL PHONE SERVICE	37850	12/19/2016	<u>200.15</u>
				Vendor Total:	<u>200.15</u>
NEX-TECH, ATTN DEPT 262	NEX-TECH	NOV 16 SERVICE	37851	12/19/2016	<u>842.30</u>
				Vendor Total:	<u>842.30</u>
OUR PLACE	OUR PLACE	2016 EMPLOYEE RECOGNITION DINNER	37825	12/14/2016	<u>578.00</u> H
				Vendor Total:	<u>578.00</u>
PHILLIPS COUNTY LANDFILL	PLCOLAND	NOV 16 LANDFILL FEE	37852	12/19/2016	<u>8,516.32</u>
				Vendor Total:	<u>8,516.32</u>
PHILLIPS COUNTY REVIEW	PLCOREVIEW	HELP WANTED	37853	12/19/2016	<u>138.00</u>
				Vendor Total:	<u>138.00</u>
PHILLIPS COUNTY TREASURER	PLCOTREAS	JANUARY 2017 LAW ENFORCEMENT	37854	12/19/2016	<u>24,045.95</u>
				Vendor Total:	<u>24,045.95</u>
PHILLIPSBURG AREA CHAMBER O	PBURGCHAM	12/16 BONUS BUCKS	37824	12/06/2016	<u>1,200.00</u> H
				Vendor Total:	<u>1,200.00</u>
PHILLIPSBURG CITY PETTY CASH	PETTY	REIMBURSE METER DEPOSIT REFUND S, POSTAGE, RETURN CHECKS	37855	12/19/2016	<u>740.36</u>
				Vendor Total:	<u>740.36</u>
PHILLIPSBURG EMPLOYEE BENEF	PBURGEMP	12/02/16 BUSINESS CONTRIBUTION	37856	12/19/2016	<u>26,846.98</u>
				Vendor Total:	<u>26,846.98</u>
PHILLIPSBURG FLEX BENEFITS	PBURGFLEX	12/16/16 EMPLOYEE FLEX BENEFIT	37857	12/19/2016	<u>3,233.08</u>
				Vendor Total:	<u>3,233.08</u>
PHILLIPSBURG HOME STORE	PBURGHOME	INSULATION	37858	12/19/2016	<u>196.73</u>
				Vendor Total:	<u>196.73</u>
PHILLIPSBURG PUBLIC BUILDING	PBURGPUB	POOL LEASE	37859	12/19/2016	<u>18,488.75</u>
				Vendor Total:	<u>18,488.75</u>
PRAIRIE LAND ELECTRIC COOP IN	PRAIRIE	ELECTRICITY	37862	12/19/2016	<u>22,088.56</u>
				Vendor Total:	<u>22,088.56</u>
RJ'S COMPUTER SERVICE	RJ COMPUTE	WIRELESS MOUSE; COMPUTER EVAL	37863	12/19/2016	<u>766.48</u>

INVOICE APPROVAL LIST REPORT - SUMMARY BY VENDOR

APPROPRIATION 1055-12-16A

Date: 12/19/2016

Time: 11:55 am

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City of Phillipsburg

Vendor Name	Vendor No.	Invoice Description	Check No.	Check Date	Check Amount
				Vendor Total:	<u>766.48</u>
ROBINSON ENTERPRISE INC	ROBINENT	DEC 16 PEST CONTROL	37864	12/19/2016	190.00
				Vendor Total:	<u>190.00</u>
SAWYERS ACE HARDWARE	SAWYERS	BRUSH WHEEL; SANDER; RESPIRATO R; GOGGLES; FLAP WHEEL; GLUE	37865	12/19/2016	225.05
				Vendor Total:	<u>225.05</u>
SCOTT-MCCOPPIN BOOK STORE	SCOTT	OFFICE SUPPLIES	37866	12/19/2016	70.38
				Vendor Total:	<u>70.38</u>
SELECT ACCOUNT	SELECT ACC	12/15/16 EMPLOYEE FLEX SPENDIN G	161215	12/15/2016	14.11 H
SELECT ACCOUNT	SELECT ACC	DEC 16 ADMINISTRATION FEE	161221	12/05/2016	72.00 H
				Vendor Total:	<u>86.11</u>
SIDLES AUTOMOTIVE, INC	SIDLES	OIL AND FILTERS	37867	12/19/2016	106.51
				Vendor Total:	<u>106.51</u>
SIGN SOLUTIONS	SIGNSOL	SIGN FOR COMM BLDG	37868	12/19/2016	320.00
				Vendor Total:	<u>320.00</u>
TMHC SERVICES INC	TMHC	12/16 ADMINISTRATIVE FEES	37869	12/19/2016	49.50
				Vendor Total:	<u>49.50</u>
USA BLUE BOOK	USABLUE	POWER FAILURE LANTERN SYSTEM	37870	12/19/2016	261.26
				Vendor Total:	<u>261.26</u>
				Grand Total:	237,412.76
				Less Credit Memos:	<u>0.00</u>
				Net Total:	237,412.76
				Less Hand Check Total:	<u>79,269.50</u>
				Outstanding Invoice Total :	158,143.26
Total Invoices:	112				

INVOICE APPROVAL LIST BY FUND REPORT

APPROPRIATION ORD 1055-12-16A

Date: 12/19/2016

Time: 11:41 am

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City of Phillipsburg

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Fund: 01 GENERAL							
Dept: 01 GENERAL							
01-01-7203	COMMUNICATIONS						
	NEX-TECH, ATTN DEPT 262	304256-120116	NOV 16 SERVICE	37851	12/01/2016	12/19/2016	99.59
				Total NEX-TECH, ATTN DEPT 262:			99.59
							99.59
01-01-7204	COMPUTER SUPPOR						
	RJ'S COMPUTER SERVICE	3966	UPGRADE MICROSOFT OFFIC	37863	12/02/2016	12/19/2016	90.00
	RJ'S COMPUTER SERVICE	3974	REPLACE ROUTER	37863	12/09/2016	12/19/2016	79.75
	RJ'S COMPUTER SERVICE	3976	REPLACE HARD DRIVE	37863	12/12/2016	12/19/2016	51.99
				Total RJ'S COMPUTER SERVICE:			221.74
							221.74
01-01-7205	PUBLICATIONS & PRI						
	PHILLIPS COUNTY REVIEW	112702	HELP WANTED	37853	11/23/2016	12/19/2016	24.00
				Total PHILLIPS COUNTY REVIEW:			24.00
							24.00
01-01-7206	UTILITY - NATURAL G						
	MIDWEST ENERGY, INC	12922191-120516	NOV 16 NATURAL GAS	37848	12/05/2016	12/19/2016	74.26
				Total MIDWEST ENERGY, INC:			74.26
							74.26
01-01-7207	UTILITY - ELECTRICIT						
	PRAIRIE LAND ELECTRIC CO	9341767522-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	215.10
	PRAIRIE LAND ELECTRIC CO	1095966659-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	13.52
				Total PRAIRIE LAND ELECTRIC COOP INC:			228.62
							228.62
01-01-7210	CONTRACT LABOR						
	ROBINSON ENTERPRISE INC	25634	DEC 16 PEST CONTROL	37864	12/07/2016	12/19/2016	30.00
				Total ROBINSON ENTERPRISE INC:			30.00
							30.00
01-01-7217	MISCELLANEOUS						
	KS DEPT. OF REVENUE	161231	DEC 2016 CMB LICENSE STAM	37845	12/19/2016	12/19/2016	125.00
				Total KS DEPT. OF REVENUE:			125.00
							125.00
01-01-7219	SALES TAX						
	KANSAS DEPT. OF REVENU	161130	11/16 SALES TAX	161223	12/19/2016	12/19/2016	0.33
				Total KANSAS DEPT. OF REVENUE:			0.33
							0.33
01-01-7240	MEMBERSHIP FEES						
	KANSAS MAYORS ASSOCIA	17-461	2017 MEMBERSHIP	37841	12/15/2016	12/19/2016	50.00
				Total KANSAS MAYORS ASSOCIATION:			50.00
	LEAGUE OF KS MUNICIPALIT	17-106	2017 MEMBERSHIP	37846	12/01/2016	12/19/2016	373.65
				Total LEAGUE OF KS MUNICIPALITIES:			373.65
							423.65
01-01-7310	GENERAL SUPPLIES						
	CLEAN-RITE JANITORIAL SL	68069	33 GAL TRASH BAGS	37835	11/28/2016	12/19/2016	66.91
				Total CLEAN-RITE JANITORIAL SUPPLY:			66.91
	SAWYERS ACE HARDWARE	213187/1	ICE MELT	37865	12/05/2016	12/19/2016	45.98
				Total SAWYERS ACE HARDWARE:			45.98

INVOICE APPROVAL LIST BY FUND REPORT

APPROPRIATION ORD 1055-12-16A

Date: 12/19/2016

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City of Phillipsburg

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
							112.89
							Total Dept. GENERAL: 1,340.08
Dept: 02 COMMUNITY BLDG. & M							
01-02-7206	UTILITY - NATURAL G						
	MIDWEST ENERGY, INC	20054736-120516	NOV 16 NATURAL GAS	37848	12/05/2016	12/19/2016	30.32
	MIDWEST ENERGY, INC	12905279-120516	NOV 16 NATURAL GAS	37848	12/05/2016	12/19/2016	104.66
							Total MIDWEST ENERGY, INC: 134.98
							134.98
01-02-7207	UTILITY - ELECTRICIT						
	PRAIRIE LAND ELECTRIC CO	4619861928-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	85.26
	PRAIRIE LAND ELECTRIC CO	2747893725-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	74.05
							Total PRAIRIE LAND ELECTRIC COOP INC: 159.31
							159.31
01-02-7210	CONTRACT LABOR						
	ROBINSON ENTERPRISE INC	25634	DEC 16 PEST CONTROL	37864	12/07/2016	12/19/2016	40.00
							Total ROBINSON ENTERPRISE INC: 40.00
							40.00
01-02-7310	GENERAL SUPPLIES						
	CLEAN-RITE JANITORIAL SU	68069	33 GAL TRASH BAGS	37835	11/28/2016	12/19/2016	66.91
							Total CLEAN-RITE JANITORIAL SUPPLY: 66.91
	SAWYERS ACE HARDWARE	213187/1	ICE MELT	37865	12/05/2016	12/19/2016	45.98
	SAWYERS ACE HARDWARE	213187/1	ICE MELT	37865	12/05/2016	12/19/2016	45.98
							Total SAWYERS ACE HARDWARE: 91.96
	SIGN SOLUTIONS	3777	SIGN FOR COMM BLDG	37868	12/08/2016	12/19/2016	320.00
							Total SIGN SOLUTIONS: 320.00
							478.87
							COMMUNITY BLDG. & MAINTENANCE: 813.16
Dept: 03 MUNICIPAL COURT & P							
01-03-7216	COUNTY LAW ENFOR						
	PHILLIPS COUNTY TREASUR	010117	JANUARY 2017 LAW ENFORCE	37854	12/19/2016	12/19/2016	24,045.95
							Total PHILLIPS COUNTY TREASURER: 24,045.95
							24,045.95
01-03-7310	GENERAL SUPPLIES						
	AVID INDENTIFICATION SYS	375908	25 PET TRAC CHIPS	37828	12/14/2016	12/19/2016	270.27
							Total AVID INDENTIFICATION SYSTEMS: 270.27
							270.27
							Dept. MUNICIPAL COURT & POLICE: 24,316.22
Dept: 05 CITY FIRE DEPT.							
01-05-7207	UTILITY - ELECTRICIT						
	PRAIRIE LAND ELECTRIC CO	9341767522-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	26.82
							Total PRAIRIE LAND ELECTRIC COOP INC: 26.82
							26.82
01-05-7210	CONTRACT LABOR						
	ROBINSON ENTERPRISE INC	25634	DEC 16 PEST CONTROL	37864	12/07/2016	12/19/2016	30.00
							Total ROBINSON ENTERPRISE INC: 30.00
							30.00

INVOICE APPROVAL LIST BY FUND REPORT

APPROPRIATION ORD 1055-12-16A

Date: 12/19/2016

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City of Phillipsburg

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
01-05-7310	GENERAL SUPPLIES						
	CLEAN-RITE JANITORIAL SL	68069	33 GAL TRASH BAGS	37835	11/28/2016	12/19/2016	66.91
							Total CLEAN-RITE JANITORIAL SUPPLY: 66.91
	SAWYERS ACE HARDWARE	213187/1	ICE MELT	37865	12/05/2016	12/19/2016	45.98
							Total SAWYERS ACE HARDWARE: 45.98
							112.89
01-05-7311	EQUIPMENT REPAIR						
	HAYS FIRE & RESCUE	3004N	REPAIRS TO CITY #835	37840	12/07/2016	12/19/2016	1,533.75
							Total HAYS FIRE & RESCUE: 1,533.75
							1,533.75
							Total Dept. CITY FIRE DEPT.: 1,703.46
Dept: 09 PARK							
01-09-7207	UTILITY - ELECTRICIT						
	PRAIRIE LAND ELECTRIC CO	5569863051-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	14.04
	PRAIRIE LAND ELECTRIC CO	1134362477-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	69.60
							Total PRAIRIE LAND ELECTRIC COOP INC: 83.64
							83.64
							Total Dept. PARK: 83.64
Dept: 10 RECREATION							
01-10-7207	UTILITY - ELECTRICIT						
	PRAIRIE LAND ELECTRIC CO	9341767522-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	15.27
	PRAIRIE LAND ELECTRIC CO	7449062521-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	14.45
							Total PRAIRIE LAND ELECTRIC COOP INC: 29.72
							29.72
							Total Dept. RECREATION: 29.72
Dept: 14 STREET LIGHTING							
01-14-7207	UTILITY - ELECTRICIT						
	PRAIRIE LAND ELECTRIC CO	1851523539-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	28.06
	PRAIRIE LAND ELECTRIC CO	9485448725-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	3,943.12
	PRAIRIE LAND ELECTRIC CO	9721644645-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	186.93
							Total PRAIRIE LAND ELECTRIC COOP INC: 4,158.11
							4,158.11
							Total Dept. STREET LIGHTING: 4,158.11
Dept: 16 AIRPORT							
01-16-7203	COMMUNICATIONS						
	NEX-TECH, ATTN DEPT 262	304256-120116	NOV 16 SERVICE	37851	12/01/2016	12/19/2016	168.38
							Total NEX-TECH, ATTN DEPT 262: 168.38
							168.38
01-16-7206	UTILITY - NATURAL G						
	MIDWEST ENERGY, INC	12889408-120516	NOV 16 NATURAL GAS	37848	12/05/2016	12/19/2016	45.07
							Total MIDWEST ENERGY, INC: 45.07
							45.07
01-16-7207	UTILITY - ELECTRICIT						
	PRAIRIE LAND ELECTRIC CO	4364394687-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	278.62
							Total PRAIRIE LAND ELECTRIC COOP INC: 278.62
							278.62
01-16-7210	CONTRACT LABOR						

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	ROBINSON ENTERPRISE INC	25634	DEC 16 PEST CONTROL	37864	12/07/2016	12/19/2016	30.00
			Total ROBINSON ENTERPRISE INC:				30.00
							30.00
01-16-7219	SALES TAX KANSAS DEPT. OF REVENUE	161130	11/16 SALES TAX	161223	12/19/2016	12/19/2016	152.02
			Total KANSAS DEPT. OF REVENUE:				152.02
							152.02
01-16-7259	CREDIT CARD SERVICE CHASE PAYMENTECH	161130	NOV 2016 CREDIT CARD FEES	161222	11/30/2016	12/19/2016	53.17
			Total CHASE PAYMENTECH:				53.17
							53.17
01-16-7311	EQUIPMENT REPAIR B & B REDI MIX INC	CR005784	REPAIR MOWER	37829	12/06/2016	12/19/2016	563.48
			Total B & B REDI MIX INC:				563.48
							563.48
			Total Dept. AIRPORT:				1,290.74
Dept: 20 ARMORY							
01-20-7206	UTILITY - NATURAL GAS MIDWEST ENERGY, INC	18907444-120516	NOV 16 NATURAL GAS	37848	12/05/2016	12/19/2016	88.72
			Total MIDWEST ENERGY, INC:				88.72
							88.72
01-20-7207	UTILITY - ELECTRICITY PRAIRIE LAND ELECTRIC COOP	14014591-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	320.96
			Total PRAIRIE LAND ELECTRIC COOP INC:				320.96
							320.96
01-20-7310	GENERAL SUPPLIES CLEAN-RITE JANITORIAL SUPPLY	68069	33 GAL TRASH BAGS	37835	11/28/2016	12/19/2016	133.80
			Total CLEAN-RITE JANITORIAL SUPPLY:				133.80
							133.80
			Total Dept. ARMORY:				543.48
Dept: 27 TRANSPORTATION							
01-27-7203	COMMUNICATIONS NEX-TECH WIRELESS, LLC	4893172	CELL PHONE SERVICE	37850	12/16/2016	12/19/2016	31.14
			Total NEX-TECH WIRELESS, LLC:				31.14
							31.14
01-27-7311	EQUIPMENT REPAIR SIDLES AUTOMOTIVE, INC	000346085	OIL AND FILTERS	37867	12/06/2016	12/19/2016	106.51
			Total SIDLES AUTOMOTIVE, INC:				106.51
							106.51
			Total Dept. TRANSPORTATION:				137.65
Dept: 30 LIBRARY SUPPORT							
01-30-7206	UTILITY - NATURAL GAS MIDWEST ENERGY, INC	12905345-120516	NOV 16 NATURAL GAS	37848	12/05/2016	12/19/2016	65.66
			Total MIDWEST ENERGY, INC:				65.66
							65.66
01-30-7207	UTILITY - ELECTRICITY						

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	PRAIRIE LAND ELECTRIC CO	338843030-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	519.77
			Total PRAIRIE LAND ELECTRIC COOP INC:				519.77
							519.77
			Total Dept. LIBRARY SUPPORT:				585.43
Dept: 36 BEAUTIFICATION							
01-36-7207	UTILITY - ELECTRICIT						
	PRAIRIE LAND ELECTRIC CO	880052443-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	61.92
			Total PRAIRIE LAND ELECTRIC COOP INC:				61.92
							61.92
			Total Dept. BEAUTIFICATION:				61.92
			Total Fund GENERAL:				35,063.61
Fund: 05 EMPLOYEE BENEFIT							
Dept: 00							
05-00-7103	HEALTH INSURANCE						
	BLUE CROSS BLUE SHIELD	1799371	01/17 PREMIUM	37833	12/08/2016	12/19/2016	28,332.11
			Total BLUE CROSS BLUE SHIELD:				28,332.11
							28,332.11
05-00-7106	LIFE & DISABILITY IN						
	ADVANCE INSURANCE COM	163400002566	01/16 INSURANCE PREMIUM	37826	12/06/2016	12/19/2016	219.79
			Total ADVANCE INSURANCE COMPANY OF:				219.79
							219.79
			Total Dept. 00:				28,551.90
			Fund EMPLOYEE BENEFIT:				28,551.90
Fund: 13 SPECIAL HIGHWAY							
Dept: 00							
13-00-7204	COMPUTER SUPPOR						
	RJ'S COMPUTER SERVICE	3962	WIRELESS MOUSE; COMPUTE	37863	11/29/2016	12/19/2016	52.25
			Total RJ'S COMPUTER SERVICE:				52.25
							52.25
13-00-7206	UTILITY - NATURAL G						
	MIDWEST ENERGY, INC	12911822-120516	NOV 16 NATURAL GAS	37848	12/05/2016	12/19/2016	22.37
	MIDWEST ENERGY, INC	12911814-120516	NOV 16 NATURAL GAS	37848	12/05/2016	12/19/2016	38.81
			Total MIDWEST ENERGY, INC:				61.18
							61.18
13-00-7212	ENGINEERING & CON						
	BG CONSULTANTS, INC.	160908-1	CONSTRUCTION SERVICES	37830	09/08/2016	12/19/2016	6,992.00
			Total BG CONSULTANTS, INC.:				6,992.00
							6,992.00
13-00-7219	SALES TAX						
	KANSAS DEPT. OF REVENU	161130	11/16 SALES TAX	161223	12/19/2016	12/19/2016	7.88
			Total KANSAS DEPT. OF REVENUE:				7.88
							7.88
13-00-7310	GENERAL SUPPLIES						
	CLIFFS WELDING SERVICE,	32867	OXYGEN; ACETYLENE REFILL	37836	12/12/2016	12/19/2016	21.47
			Total CLIFFS WELDING SERVICE, INC:				21.47

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							21.47
						Total Dept. 00:	7,134.78
						Fund SPECIAL HIGHWAY:	7,134.78
Fund: 23 WATER & SEWER UTILI							
Dept: 51 WATER PRODUCTION							
23-51-7207	UTILITY - ELECTRICIT						
	PRAIRIE LAND ELECTRIC CO	84-120616	ELECTRICITY	37862	12/06/2016	12/19/2016	1,369.12
	PRAIRIE LAND ELECTRIC CO	6620777944-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	2,384.89
	PRAIRIE LAND ELECTRIC CO	347442752-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	293.72
	PRAIRIE LAND ELECTRIC CO	693511270-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	2,835.49
	PRAIRIE LAND ELECTRIC CO	8288973337-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	292.58
	PRAIRIE LAND ELECTRIC CO	8683303016-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	658.45
	PRAIRIE LAND ELECTRIC CO	9662991189-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	8.84
	PRAIRIE LAND ELECTRIC CO	9367986248-120516A	ELECTRICITY	37862	12/05/2016	12/19/2016	1,562.20
			Total PRAIRIE LAND ELECTRIC COOP INC:				9,405.29
							9,405.29
23-51-7213	EASEMENTS & RIGHI						
	BITTEL/CARROL//	161231	WELL AGREEMENT 2017	37831	12/19/2016	12/19/2016	240.00
						Total BITTEL/CARROL//:	240.00
							240.00
23-51-7310	GENERAL SUPPLIES						
	CLIFFS WELDING SERVICE,	32867	OXYGEN; ACETYLENE REFILL	37836	12/12/2016	12/19/2016	21.47
						Total CLIFFS WELDING SERVICE, INC:	21.47
	PHILLIPSBURG HOME STOR	391960/3	INSULATION	37858	11/29/2016	12/19/2016	32.99
						Total PHILLIPSBURG HOME STORE:	32.99
							54.46
23-51-7418	CAPITAL OUTLAY - EC						
	DONS ELECTRIC & REWIND	8463	RADIOS AT WELL 46 & 50	37837	11/29/2016	12/19/2016	6,971.00
						Total DONS ELECTRIC & REWIND, INC.:	6,971.00
							6,971.00
						Total Dept. WATER PRODUCTION:	16,670.75
Dept: 53 WATER DISTRIBUTION							
23-53-7206	UTILITY - NATURAL G						
	MIDWEST ENERGY, INC	12889416-120516	NOV 16 NATURAL GAS	37848	12/05/2016	12/19/2016	82.86
	MIDWEST ENERGY, INC	12911780-120516	NOV 16 NATURAL GAS	37848	12/05/2016	12/19/2016	27.00
	MIDWEST ENERGY, INC	12911822-120516	NOV 16 NATURAL GAS	37848	12/05/2016	12/19/2016	22.37
	MIDWEST ENERGY, INC	12911814-120516	NOV 16 NATURAL GAS	37848	12/05/2016	12/19/2016	38.81
			Total MIDWEST ENERGY, INC:				171.04
							171.04
23-53-7240	MEMBERSHIP FEES						
	KANSAS ONE-CALL SYSTEM	6110421	NOVEMBER 2016 LOCATES	37842	11/30/2016	12/19/2016	29.00
						Total KANSAS ONE-CALL SYSTEM INC:	29.00
							29.00
23-53-7309	OFFICE SUPPLIES						
	SCOTT-MCCOPPIN BOOK S	29959	PRINTER CARTRIDGES	37866	12/01/2016	12/19/2016	59.66
						Total SCOTT-MCCOPPIN BOOK STORE:	59.66
							59.66
23-53-7310	GENERAL SUPPLIES						

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Total Dept. WATER GENERAL:							1,002.29
Dept: 56 WATER NON-OPERATING							
23-56-7219	SALES TAX						
	KANSAS DEPT. OF REVENUE	161130	11/16 SALES TAX	161223	12/19/2016	12/19/2016	1,498.20
Total KANSAS DEPT. OF REVENUE:							1,498.20
							1,498.20
Total Dept. WATER NON-OPERATING:							1,498.20
Dept: 71 SEWER							
23-71-7203	COMMUNICATIONS						
	NEX-TECH WIRELESS, LLC	4893172	CELL PHONE SERVICE	37850	12/16/2016	12/19/2016	27.82
Total NEX-TECH WIRELESS, LLC:							27.82
	NEX-TECH, ATTN DEPT 262	304256-120116	NOV 16 SERVICE	37851	12/01/2016	12/19/2016	159.06
Total NEX-TECH, ATTN DEPT 262:							159.06
							186.88
23-71-7204	COMPUTER SUPPOR						
	RJ'S COMPUTER SERVICE	3974	REPLACE ROUTER	37863	12/09/2016	12/19/2016	79.75
	RJ'S COMPUTER SERVICE	3976	REPLACE HARD DRIVE	37863	12/12/2016	12/19/2016	52.00
Total RJ'S COMPUTER SERVICE:							131.75
							131.75
23-71-7206	UTILITY - NATURAL G						
	MIDWEST ENERGY, INC	1288981-112816	NOV 16 NATURAL GAS	37848	11/28/2016	12/19/2016	31.51
Total MIDWEST ENERGY, INC:							31.51
							31.51
23-71-7207	UTILITY - ELECTRICIT						
	PRAIRIE LAND ELECTRIC CO	740403206-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	13.52
	PRAIRIE LAND ELECTRIC CO	5700141730-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	100.42
	PRAIRIE LAND ELECTRIC CO	1381596665-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	15.78
	PRAIRIE LAND ELECTRIC CO	4985491721-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	719.94
	PRAIRIE LAND ELECTRIC CO	9367986248-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	3,290.63
	PRAIRIE LAND ELECTRIC CO	4307635864	ELECTRICITY	37862	12/05/2016	12/19/2016	634.03
Total PRAIRIE LAND ELECTRIC COOP INC:							4,774.32
							4,774.32
23-71-7214	TRAINING						
	KNOWLES/JAMES//	161213	WASTEWATER RECERTIFICAT	37844	12/13/2016	12/19/2016	20.00
Total KNOWLES/JAMES//:							20.00
							20.00
23-71-7217	MISCELLANEOUS						
	FIRST DATA CENTER	161209	NOVEMBER ACH FEES	37838	12/09/2016	12/19/2016	16.67
Total FIRST DATA CENTER:							16.67
	OUR PLACE///	552356	2016 EMPLOYEE RECOGNITIC	37825	12/10/2016	12/19/2016	192.67
Total OUR PLACE///:							192.67
							209.34
23-71-7240	MEMBERSHIP FEES						
	LEAGUE OF KS MUNICIPALIT	17-106	2017 MEMBERSHIP	37846	12/01/2016	12/19/2016	373.67
Total LEAGUE OF KS MUNICIPALITIES:							373.67
							373.67
23-71-7311	EQUIPMENT REPAIR						

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25-00-7310	GENERAL SUPPLIES CLIFFS WELDING SERVICE,	32867	OXYGEN; ACETYLENE REFILL	37836	12/12/2016	12/19/2016	21.48
						Total CLIFFS WELDING SERVICE, INC:	21.48
							21.48
						Total Dept. 00:	9,765.84
						Total Fund SOLID WASTE:	9,765.84
Fund: 39 EMPLOYEE FLEX BENE							
Dept: 00							
39-00-7273	OTHER INSURANCE F AFLAC	306238A	DEC 2016 PREMIUM	1019	12/19/2016	12/19/2016	1,859.06
						Total AFLAC:	1,859.06
							1,859.06
39-00-7274	HEALTH INS EMPLOY BLUE CROSS BLUE SHIELD	1799371A	01/17 PREMIUM	1020	12/08/2016	12/19/2016	346.50
						Total BLUE CROSS BLUE SHIELD:	346.50
							346.50
39-00-7275	UNREIMBURSE MEDI SELECT ACCOUNT	1169175	DEC 16 ADMINISTRATION FEE	161221	12/05/2016	12/19/2016	72.00
						Total SELECT ACCOUNT:	72.00
							72.00
						Total Dept. 00:	2,277.56
						EMPLOYEE FLEX BENEFIT:	2,277.56
Fund: 42 AQUATIC CENTER							
Dept: 00							
42-00-7203	COMMUNICATIONS NEX-TECH, ATTN DEPT 262	304256-120116	NOV 16 SERVICE	37851	12/01/2016	12/19/2016	78.27
						Total NEX-TECH, ATTN DEPT 262:	78.27
							78.27
42-00-7204	COMPUTER SUPPOR RJ'S COMPUTER SERVICE	3977	INSTALL PRINTER	37863	12/12/2016	12/19/2016	45.00
						Total RJ'S COMPUTER SERVICE:	45.00
							45.00
42-00-7206	UTILITY - NATURAL G MIDWEST ENERGY, INC	13043815-120516	NOV 16 NATURAL GAS	37848	12/05/2016	12/19/2016	198.32
						Total MIDWEST ENERGY, INC:	198.32
							198.32
42-00-7207	UTILITY - ELECTRICIT PRAIRIE LAND ELECTRIC CO	7416471590-120516	ELECTRICITY	37862	12/05/2016	12/19/2016	2,041.46
						Total PRAIRIE LAND ELECTRIC COOP INC:	2,041.46
							2,041.46
42-00-7210	CONTRACT LABOR ROBINSON ENTERPRISE IN	25634	DEC 16 PEST CONTROL	37864	12/07/2016	12/19/2016	60.00
						Total ROBINSON ENTERPRISE INC:	60.00
							60.00
42-00-7217	MISCELLANEOUS						

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	BLOSSOMS AND BUTTERFL	13194	FUNERAL PLANT-SWATZELL	37832	12/05/2016	12/19/2016	30.00
			Total BLOSSOMS AND BUTTERFLIES:				30.00
							30.00
42-00-7257	LEASE RENT						
	PHILLIPSBURG PUBLIC BUIL	121916	POOL LEASE	37859	12/19/2016	12/19/2016	18,488.75
			Total PHILLIPSBURG PUBLIC BUILDING:				18,488.75
							18,488.75
						Total Dept. 00:	20,941.80
						I Fund AQUATIC CENTER:	20,941.80
						Grand Total:	131,293.91

**PROCUREMENT POLICY
CITY OF PHILLIPSBURG**

A. Small purchase procedures utilize a simple and informal method that is sound and appropriate for the procurement of services, supplies, or other property, costing in the aggregate not more than \$25,000. The City of Phillipsburg will utilize the services of city employees, local businesses, or currently contracted/utilized service providers whenever possible. Any procurement of services requires City Council approval. Any services, supplies, or equipment costing \$15,000 or under can be approved by the Public Works Supervisor or City Clerk. Services, supplies, or equipment costing over that amount requires City Council approval. Written and faxed or e-mailed quotes are solicited and accepted by the City Council. The City will decide on a case-by-case basis whether execution of a formal contract is necessary. The City Clerk has a petty cash account with a minimum \$1,000 balance used primarily for postage, mailing water samples to the State, and returning meter deposits.

B. Competitive sealed bids are initiated at the discretion of the Phillipsburg City Council. All bids must meet or exceed specifications of the City Council. The invitation for bids, including specifications and pertinent attachments clearly define the items or services needed in order for the bidders to properly respond to the invitation. Bids are opened publicly at the time and place stated in the invitation for bid. The contract is awarded to the responsible bidder whose bid, conforming to all of the material terms and conditions of the invitation to bid, is lowest in price. The City Council will decide on a case-by-case basis whether execution of a formal contract is necessary.

C. Competitive negotiation, proposals requested from a number of sources and a Request for Proposals (RFP) or a Request for Qualifications (RFQ) is not utilized by the City of Phillipsburg.

D. Noncompetitive negotiation is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined to be inadequate. Noncompetitive negotiation will be utilized when limited to the following:

1. The item is available from only one source;
2. After solicitation of a number of sources, competition is determined to be inadequate;
3. A public emergency will not permit or may cause a delay with competitive bids.

Procurement Records

The City of Phillipsburg shall maintain records sufficient to detail the significant listing of procurement, including the rationale for the method of procurement, contract type, respondent selection or rejections, and the basis for the contract amount or price.

EFFECTIVE DATE

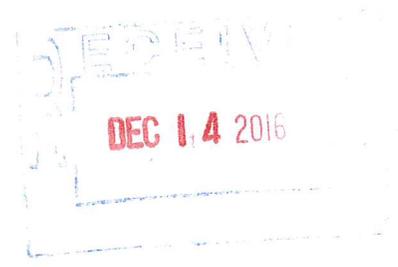
This resolution shall be effective upon passage. Adopted this ____ day of _____, 2016.

Patrick E. Hewitt, Mayor

ATTEST:

Brenda L. Chance, City Clerk

SEAL



~ RECYCLED PRODUCT GRANT FUNDING AVAILABLE ~

Champlin Tire Recycling, Inc. previously mailed you a packet of information on the purchase of playground surfacing and other products made from recycled tires. Grant funds are available from the Kansas Department of Health & Environment (KDHE). **Grant applications are now available at www.kdheks.gov/waste/forms_grants.html.** Scroll down to **Waste Tire Grant Forms** where you will find SFY 2017 Waste Tire Grant Surfacing Application (50% reimbursement) and the SFY 2017 Waste Tire Grant Tables & Benches Application (50% reimbursement)

**Please remember, KDHE requires a formal bid/quote to be attached to your application
The applications must be submitted by February 15, 2017**

If you need information please contact Gary Champlin at 1/800-295-3345

ORDINANCE NO. 1298

AN ORDINANCE GRANTING TO THE KANSAS CORPORATION OF RURAL TELEPHONE SERVICE COMPANY, INC., ITS SUBSIDIARIES (NAMELY NEXTECH, INC.), SUCCESSORS, TRANSFEREES AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE TO ERECT, MAINTAIN AND OPERATE A COMMUNICATIONS SYSTEM WITHIN THE CITY OF PHILLIPSBURG, KANSAS, PRESCRIBING THE TERMS AND CONDITIONS THEREOF AND PROVIDING FOR PAYMENTS TO BE MADE TO THE CITY OF PHILLIPSBURG, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PHILLIPSBURG, PHILLIPS 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 Phillipsburg, Kansas, and shall include, when appropriate, the context of the territorial boundaries of the City of Phillipsburg, Kansas, as they now or shall hereafter exist.
2. "Council" shall mean the present governing body of the City of Phillipsburg, 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 Phillipsburg, Kansas, pursuant to the ordinance passed by the City Council.
4. "Grantee" shall mean Rural Telephone Service Company, Inc., its subsidiaries, 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 and for "Basic" cable 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; (iv) any revenues derived from installation charges or (v) any premium cable channels or expanded cable services.
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 Phillipsburg, 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 Phillipsburg, which shall within their proper use

and meaning entitle the City of Phillipsburg 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 Phillipsburg and under the authority of the Franchise granted herein.
8. "Communications System" shall mean all equipment used to transport audio and video signals (voice, video, data, radio and cable television) to consumers including, but not limited to any cable, electronics, fiber optics or other types of necessary equipment.
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 used in operation of the Communications System.

ARTICLE II

Grant of Franchise

SECTION 1: General Grant. The City hereby grants to Grantee the right and privilege to construct, erect, operate and maintain a communications 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 communications system within the City of Phillipsburg, Kansas.

SECTION 2: Non-exclusivity. The authority given to Grantee in the above section 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 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 communications system already established and said other franchisees shall not be extended preferential treatment over Grantee.

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: 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 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 field of telecommunications which would afford it an opportunity to more effectively, efficiently or economically serve its customers, 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.

SECTION 5: Provision of Service. The Grantee shall extend service upon request of any person within the city limits. This will include any future areas annexed that are adjacent to the existing city limits at the time this Franchise is entered.

ARTICLE III

Term

The term of this ordinance shall be for ten (10) years and successive terms of five (5) years unless written notice is given by either the City or the Grantee to the other, 180 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 Phillipsburg, 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 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. 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
5. 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 provides written notice to Grantee, and Grantee is given at least 30 days to cure any alleged breach of Article IV herein. If after the 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 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

Compensation

In consideration of the grant of the Franchise to the Grantee, the Grantee shall pay to the City, in arrears, an amount equal to Three and One-Half Percent (3.5%) of the annual Gross Revenue from the operation of the business in said City. Such payments shall be made quarterly within thirty days of each calendar quarter. The City shall have the right to confirm revenues as applicable to this Section. The inspection of records will be performed in a manner that does not violate any of the obligations of confidentiality placed upon Grantee by State and Federal statutes and regulations. Records will be made available to an authorized City representative at the Grantee's corporate office upon reasonable notice and during regular business hours.

As additional consideration, Grantee shall make available to the City High Speed Data service (256k) for the primary city building and basic cable television service to that same building and the public schools free of charge. If, however, the City or schools request additional outlets for the use of internet or cable service, Grantee shall be reimbursed all installation costs, including, but not limited to, parts and labor.

The City acknowledges that this Article contains fair and adequate consideration for the grant of this Franchise.

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 Phillipsburg 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 Facilities. 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, and the Public Works Supervisor shall have approval over the locations within the city. If during the term of this franchise the City lawfully changes or alters any street, alley or other public way, the Grantee shall, upon reasonable notice from the City, remove, relay and relocate its poles, wires, cables and underground conduits, manholes or any other facilities to the extent necessary at its own expense. If public funds are available for defraying the cost of any of the foregoing, such funds shall be available to Grantee.

SECTION 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 communications facilities, such injury or damage shall be immediately remedied in such fashion as directed by the Public Works Supervisor.

SECTION 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 facilities of Grantee. All trimming shall be done under the supervision of the Public Works Supervisor at the expense of the Grantee.

SECTION 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 way including, but not limited to, streets, avenues, alleys, bridges and the public grounds and places within the limits of the City.

SECTION 6: Emergency Override. The Grantee shall include within its system the capability for a remotely activated Emergency System whereby designated emergency personnel may introduce an audio message on cable television channels simultaneously. The City shall hold Grantee harmless from any claims arising out of the emergency use of its facilities by the City.

SECTION 7. Public Access.

- A. The Grantee shall provide access to one channel for public, educational and governmental (P.E.G.) access. Should the City decide to make use of said P.E.G. channel, the City shall designate a non-profit access management corporation to manage the use of the P.E.G. channel. The access corporation shall establish and enforce rules for the use of the P.E.G. channel to ensure non-discriminatory access to the channel and to promote the use and viewership of the channel consistent with the obligation to provide non-discriminatory access to similarly situated users. The Grantee may not exercise any editorial control over the content of the programming on the P.E.G. channel. The channel shall be available at no charge to users and to the access corporation.
- B. The Grantee shall allow the cable system to be used for the broadcasting of an annual telethon for the city. It shall be broadcast over the P.E.G. channel. The Grantee agrees to provide only the equipment necessary for the transmission and not for the actual production. The Grantee shall provide one service drop for the transmission of said broadcast at the site as designated by the telethon organizers.

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 Phillipsburg, 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

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 communications 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 hours advance notice to arrange for such temporary wire changes.

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

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 prior notification to the City Council.

ARTICLE XIII

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 XIV

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 Communications System; provided, that such rates shall not be established on a discriminatory basis.

ARTICLE XV

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 in writing and if to be served upon the City it shall be delivered by certified mail to the Mayor & City Council c/o City Clerk, 945 Second St. Phillipsburg, KS 67661. If to the Grantee, it shall be delivered by certified mail to CEO/General Manager, 145 North Main, Lenora, Kansas 67645.

ARTICLE XVI

Miscellaneous Provisions

SECTION 1: Supercedes Prior Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed as of the effective date of this ordinance.

SECTION 2: Binding Effect. All provisions of this ordinance shall be binding upon Grantee and all successors, lessees and assigns of Grantee whether expressly stated herein or not.

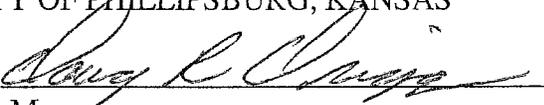
SECTION 3: Final Approval. This Ordinance shall be read in full at three regular meetings of the governing body. Immediately after the final passage, it shall be published in the official city newspaper, once a week for two (2) consecutive weeks. It shall not take effect and

be in force until after the expiration of sixty (60) days from the date of final passage, and acceptance by Grantee within sixty (60) days as provided in Article III.

SECTION 2: Costs. Grantee shall assume the cost of publication of this Ordinance. Grantee shall reimburse the City for these costs upon presentation of the publication costs.

PASSED AND ADOPTED by the Governing Body of the City of Phillipsburg, Kansas, on this 18th day of August, 2003.

CITY OF PHILLIPSBURG, KANSAS

By: 
Mayor

ATTEST:


City Clerk