

MINUTES OF THE HOUSE LOCAL GOVERNMENT COMMITTEE

The meeting was called to order by Chair Sharon Schwartz at 3:30 p.m. on February 25, 2010, in Room 144-S of the Capitol.

All members were present except:

Representative Michael Peterson, Absent

Committee staff present:

Mike Heim, Office of the Revisor of Statutes

Kristen Kellems, Office of the Revisor of Statutes

Martha Dorsey, Kansas Legislative Research Department

Jill Shelley, Kansas Legislative Research Department

Carol Bertram, Committee Assistant

Conferees appearing before the Committee:

Representative Tom Hawk, 67<sup>th</sup> District

James Patrick Cox, P.E., City of Ogden

Sherri Smiley, Staff Attorney, Secretary of State's Office

Representative John Faber, 120<sup>th</sup> District

John Miller, Norton County Commissioner

Others attending:

See attached list.

Chair Schwartz opened the hearing on **HB 2698 - Secretary of state; authorizing real property conveyance to the city of Ogden.**

Martha Dorsey, Legislative Research Department, reviewed the bill for the Committee. She pointed out that the bill specifies the exact tract of land that will be granted to the City of Ogden, and that the easement will terminate if the land is no longer used for the purpose for which the easement was granted.

Proponents

Representative Tom Hawks, 67<sup>th</sup> District, presented testimony in support of **HB 2698 (Attachment #1)**. He stated the City of Ogden has been required, through the recommendations of a study, to construct improvements on its treatment facility and to convert the non-discharging lagoons into a continuously discharging lagoon facility. KDHE has approved the study and the recommendations.

James Patrick Cox, P.E., appeared before the Committee on behalf of the City of Ogden. He stated the City of Ogden is requesting an easement for the construction and maintenance of an outfall pipe and headwall for the City of Ogden's sanitary sewer treatment facility discharge pipe on a parcel of property deeded to the State of Kansas, Office of the Secretary of State. The City of Ogden requires this easement in order to construct required improvements to its existing wastewater treatment facility (Attachment #2).

Questions and answers followed.

Chair Schwartz recognized Sherri Smiley, Secretary of State's Office, who answered questions presented by the Committee. She stated that the Secretary of State's office stands neutral and would grant the easement with the approval of the Attorney General's Office.

There being no one else to testify on **HB 2698**, Chair Schwartz closed the hearing on **HB 2698**.

Mike Heim, Office of the Revisor of Statutes, informed the Committee of a technical amendment which needed to be acted upon. At the end of line 29, a comma needs to replace the period and the word "Such" at the beginning of line 30 needs to begin with a lowercase "s". It was moved by Representative Mah, seconded by Representative Otto to amend HB 2698 with a technical amendment on lines 29 and 30. The motion carried. It was moved by Representative Garcia and seconded by Representative Slattery that HB 2698 be recommended favorably for passage as amended. The motion carried.

CONTINUATION SHEET

Minutes of the House Local Government Committee at 3:30 p.m. on February 25, 2010, in Room 144-S of the Capitol.

Representative Tom Hawk agreed to carry the Bill during session.

Chair Schwartz opened the hearing on **SB 463 - Counties; bonded debt limit; Norton County.**

Chair Schwartz recognized Ms. Dorsey to explain **SB 463** to the Committee. Ms. Dorsey stated **SB 463** would add Norton County to a small group of counties that are authorized to have a bonded indebtedness limit of 30 percent. Most counties are limited to a 3 percent bonded indebtedness level.

Proponents

Representative John Faber, 120<sup>th</sup> District, appeared in support of **SB 463**. He stated Norton County has been exploring the possibility of a joint law enforcement center and infrastructure to accommodate business growth in the county. Currently state statute limits county bonded indebtedness to 3 percent and city bond indebtedness to 30 percent of assessed valuation. Norton County is seeking authorization to increase to the 30 percent level. He asked the Committee to favorably support this bill and requested that it be placed on the House consent calendar (Attachment #3).

Questions and answers followed.

John Miller, Norton County Commissioner, appeared before the Committee in support of **SB 463** (Attachment #4). He stated raising the limit for bond indebtedness in Norton County would not affect the state budget, and that the projects the county would be able to accomplish would help ease the burden on the state budget by facilitating more efficient delivery of public services.

Written-only testimony from Senator Ralph Ostmeyer, 40<sup>th</sup> District, was submitted in support of **SB 463** (Attachment #5).

There being no further proponents and no opponents to testify, Chair Schwartz closed the hearing on **SB 463**.

It was moved by Representative Holmes, seconded by Representative Huebert that the Committee recommend SB 463 favorably for passage and that it be put on the House consent calendar. The motion carried.

The next scheduled meeting is for March 4, 2010.

The meeting was adjourned at 4:00 p.m.

S.S.

Representative Sharon Schwartz, Chair

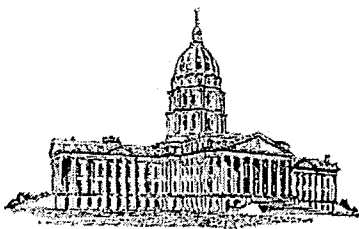
# HOUSE LOCAL GOVERNMENT COMMITTEE

DATE: February 25, 2010

| NAME                             | REPRESENTING                |
|----------------------------------|-----------------------------|
| PAT COX - BG Consultants         | Ogden, Kansas               |
| Stephanie Ralston - Washburn law | N/A                         |
| Marsha Cox                       | N/A                         |
| John Faber                       | Norton County - legislature |
| John D. Pinegar                  | Norton County               |
| JAN MILLER                       | NORTON Co.                  |
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Please use black ink

**Tom Hawk**  
REPRESENTATIVE, 67TH DISTRICT  
STATE CAPITOL BUILDING  
300 SW 10<sup>th</sup> Ave. (mail)  
Docking State Office Building (office)  
7<sup>th</sup> Floor—L10  
TOPEKA, KANSAS 66612  
(785) 296-7665  
1-800-432-3924 Tom.Hawk@House.ks.gov  
3115 HARAHEY RIDGE  
MANHATTAN, KANSAS 66502  
(785) 537-1225 tom@tomhawk.com



STATE OF KANSAS  
TOPEKA  
HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

MEMBER:

Tax (M-F, 9 AM, Docking 783)  
Social Services Budget (M-T, 3:30 PM, D785)  
State Employee Pay Plan Oversight

RANKING MINORITY:

Vision 2020 (M,W; 1:30 PM, D785)

February 25, 2010

Chairperson Schwartz and Committee Members: I am pleased to have the opportunity to support HB2698 as the City of Ogden, next to the Ft. Riley military installation, takes the appropriate statutory action to build an important sanitary treatment facility.

HB2698 allows the city to gain an **easement across state land** controlled by the **Secretary of State**.

James Patrick Cox, P.E., acting on behalf of the City of Ogden will provide detailed testimony about the actual request and the reasons for this necessary action from the Legislature. I will attempt to summarize some of the major points and count on Mr. Cox to provide the additional history and circumstances for the project.

The City of Ogden has been required, through the recommendations of a study, to construct improvements on its treatment facility and to convert the non-discharging lagoons into a continuously discharging lagoon facility. KDHE has approved the study and the recommendations.

Due to the construction of K-18 and the planned use by KDWP for land that would be a more direct route for the "outfall piping", an alternative path is needed. While the alternative route does fall along the south edge of the KDOT borrow site, the last approximately 300ft. crosses a tract of land deeded to the State of Kansas, Office of the Secretary of State.

I have visited with the legal counsel for the Secretary of State, Diane Mineer, and she and Mr. Cox have discussed the bill prepared by our Legislative Reviser that would meet the legal requirements of this easement. I have also asked and been informed that Mr. Cox has discussed the project and the easement plans with KDHE, KDOT, KDWP, and USACE.

As a result of the necessity for the City to upgrade their sanitary sewer treatment facility and to comply with the Standards of Design for Water Pollution Control Facilities, I support this bill and realize that it is a critical piece to allow Ogden to move forward with its construction project.

I will be available for any questions or input during the hearing, but will rely heavily on Mr. Cox for any of the "tougher" questions! Thank you Madam Chair and Committee members for your attention.

Local Government  
Date: 2-25-10  
Attachment # 1



## City Of Ogden

222 Riley Avenue  
P.O. Box C  
Ogden, Kansas 66517

February 22, 2010

Kansas State House of Representatives  
Rep Tom Hawk  
300 SW 10<sup>th</sup>  
Room DSOB  
Topeka, KS 66612

RE: Request for Easement – City of Ogden, KS  
HB-2698

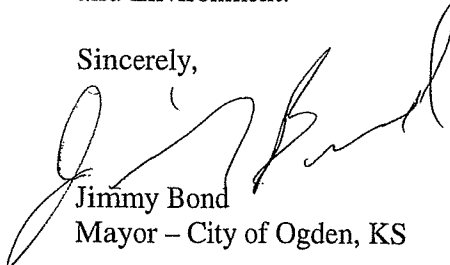
Dear Mr. Hawk:

The City of Ogden, KS is requesting an easement for the construction and maintenance of an outfall pipe and headwall for the City of Ogden's sanitary sewer treatment facility discharge pipe on a parcel of property deeded to the State of Kansas, Office of the Secretary of State. The City of Ogden requires this easement in order to construct required improvements to their existing wastewater treatment facility. See attached Exhibit for location.

The proposed improvements are required in order to fully comply with the schedule of compliance issued from the Kansas Department of Health and Environment to the City in our current water pollution control permit. During the design of this project State and Federal agencies were contacted and requested to comment on the proposed improvements. The current proposed improvements satisfy the concerns presented by the responding agencies. A further explanation of the regulatory compliance schedule and agency concerns is included in the enclosed memorandum from BG Consultants, Inc. to Representative Tom Hawk.

The City of Ogden respectfully requests the State of Kansas to grant this easement at the earliest possible convenience in order to effectively and responsibly treat the wastewater generated within the City of Ogden, and to meet the requirements mandated by the Kansas Department of Health and Environment.

Sincerely,



Jimmy Bond  
Mayor – City of Ogden, KS

Enclosures

Local Government

Date: 2-25-10

Attachment # 2

## Memorandum

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**Project:** Ogden Wastewater Treatment Facility Improvements  
**Project Number:** 08-1191M  
**Date:** February 2, 2010  
**To:** Representative Tom Hawk  
**From:** James Patrick Cox, P.E.

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The City of Ogden, KS is requesting an easement for the construction and maintenance of an outfall pipe and headwall for the City of Ogden's sanitary sewer treatment facility discharge pipe on a parcel of property deeded to the State of Kansas, Office of the Secretary of State. This easement is described in the attached exhibit. The City of Ogden requires this easement in order to construct required improvements to their existing wastewater treatment facility.

The City was issued a schedule of compliance in their most recent water pollution control permit. This mandated the City to hire a Professional Engineer to conduct a study to verify the facility was operating within the Kansas Minimum Standards of Design for Water Pollution Control Facilities and to make the necessary improvements to the facility to comply with these requirements. The study was conducted and found that the current treatment facility did not meet these requirements. The study recommended the City construct improvements to convert the non-discharging lagoons into a continuously discharging lagoon facility. The study was submitted and approved by the Kansas Department of Health and Environment (KDHE).

The City applied for a CDBG block grant and KDHE SRF Loan to construct the proposed improvements. The grant was awarded in February 2009 at which time the City began designing the project. During design several alternative routes for the proposed outfall piping were examined with KDHE. KDHE recommended the effluent be discharged directly into the Kansas River. The existing treatment facility property does not directly border the Kansas River, thus in order to meet KDHE's recommendations the outfall piping would have to cross additional properties.

The most direct route from the treatment facility to the Kansas River is across K-18 Hwy and through a field between the highway and the river. This portion of K-18 is currently under major construction and the Kansas Department of Transportation (KDOT) purchased the property between the existing highway and the Kansas River for use as a borrow site. This tract of land will be transferred from KDOT to the Kansas Department of Wildlife in Parks (KDWP) upon completion of the highway construction. Due to the large amount of excavation in this area, placement of a gravity pipe would not be feasible and the outfall piping would have to be constructed around the excavation limits of the borrow site. An alignment for the proposed outfall pipe along the north edge of the borrow site, herein referred to as the north option, was evaluated and discussed with the various state agencies involved. The KDWP has plans to construct a public river access directly downstream of the north option and present concerns about water quality near this facility. A south option was then evaluated that would propose to construct the outfall pipe along the south edge of the KDOT borrow site. This alignment is the current proposal; however the KDOT tract does not directly border the Kansas River along this alignment. The last approximately 300' of this proposed alignment crosses a tract of land deeded to the State of Kansas, Office of the Secretary of



Also

Lawrence, KS. • Hutchinson, KS • Emporia, KS

State (Book 483, Page 766). It is this land that the City of Ogden is requesting an easement. It is our understanding that no State Department is in control of this parcel and the only way to acquire this easement is by passing a State Statute.

Construction Documents for the proposed project have been submitted and approved by KDHE. Construction for the portion of the alignment that is located on KDOT property has been approved by a KDOT use of Right of Way Permit and is attached for your reference. KDWP has reviewed the proposed alignment and has had no negative comments for the south alignment. USACE has reviewed the proposed discharge location and has stated that the proposed construction is authorized by nation wide permit (NWP) 7. The following is a list of the individuals along with their contact information from the various agencies listed above.

|       |   |              |
|-------|---|--------------|
| KDHE  | Rod Geisler, P.E., Chief Municipal Programs     | 785-296-5527 |
| KDHE  | Larry Molder, P.E., Environmental Engineer      | 785-296-1567 |
| KDOT  | Dale Hershberger, P.E., Area Engineer           | 785-632-3108 |
| KDWP  | John Silovsky, Regional Public Lands Supervisor | 785-273-6740 |
| USACE | Steven Whetzel, Regulatory Specialist           | 785-546-3029 |

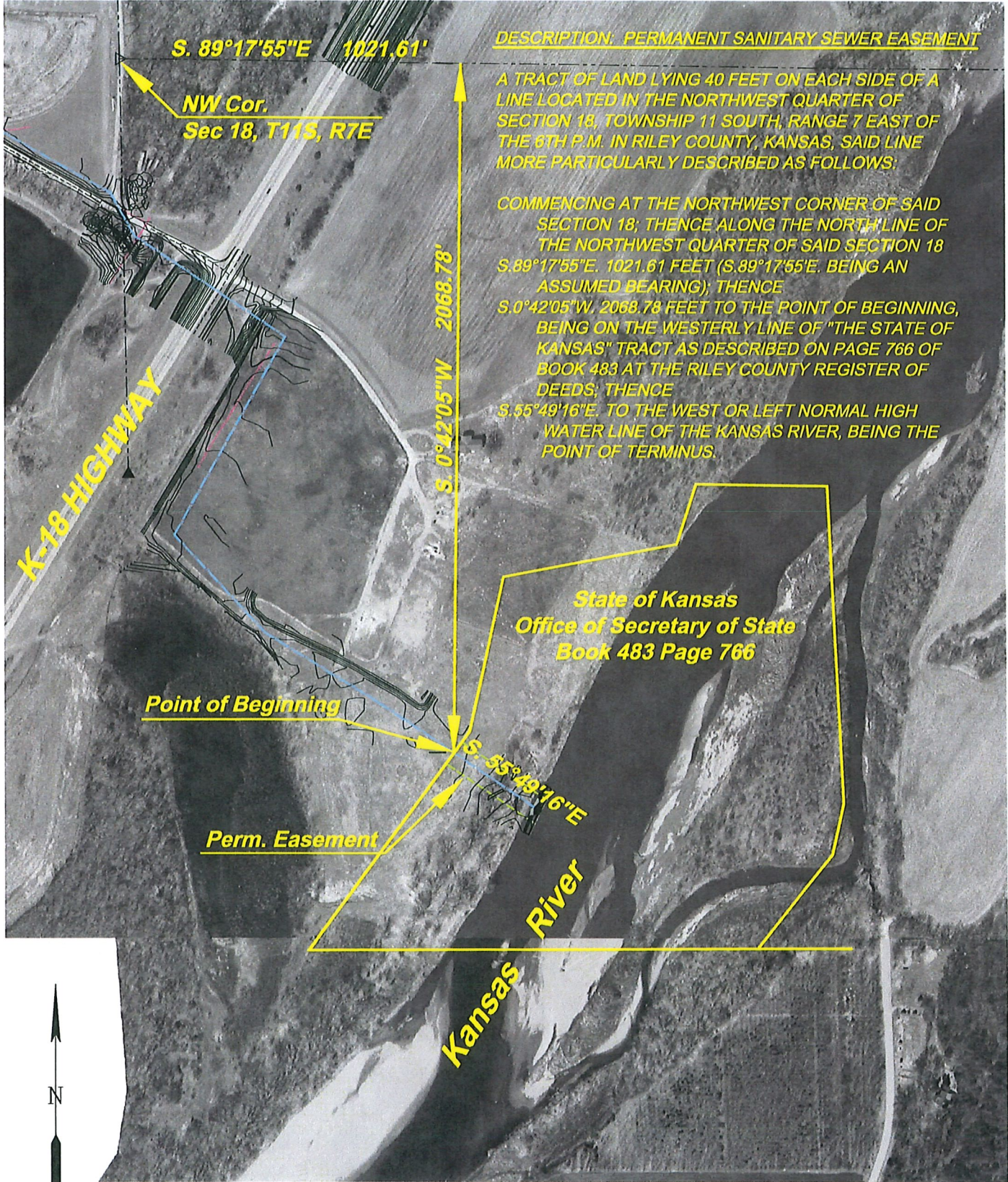
Per the requirement of the CDBG Grant and KDHE Loan, the following agencies have been contacted and requested to review and comment on the current proposed alignment. KDHE issued a Finding of No Significant Impact for the proposed project and is attached for your reference.

| <u>Agency</u>                       | <u>Summary of Comments</u>  |
|-------------------------------------|---|
| Kansas Corporation Commission       | A review failed to indicate any drilling activity   |
| Kansas Dept. of Wildlife & Parks    | No KDWP or special authorizations are required  |
| US Dept of Interior                 | No Federally threatened or endangered species are likely to be present in the project area.         |
| Kansas Conservation Commission      | Clearance for this project should be granted  |
| US Army Corps of Engineers          | Construction is authorized by nation wide permit (NWP) 7.   |
| Kansas Biological Survey            | Clearance for this project should be granted  |
| Kansas Water Office                 | No comments and do not oppose approval of the project   |
| Kansas Dept of Agriculture          | It does not appear authorization is required from the Chief Engineer of Division of Water Resources |
| Kansas Historical Society           | No Objection to implementation of this project  |
| Kansas Geological Survey            | There are no unduly adverse geological conditions that should affect this project                   |
| Kansas Dept of Health & Environment | Clearance for this project should be granted  |

If you have any questions about the information presented please do not hesitate to contact me at 785-537-7448, ext. 1108 or my cell phone 785-532-8069. Thank you for your consideration in this matter.



# EASEMENT EXHIBIT A



S. 89°17'55"E 1021.61'

NW Cor.  
Sec 18, T11S, R7E

**DESCRIPTION: PERMANENT SANITARY SEWER EASEMENT**

A TRACT OF LAND LYING 40 FEET ON EACH SIDE OF A LINE LOCATED IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 11 SOUTH, RANGE 7 EAST OF THE 6TH P.M. IN RILEY COUNTY, KANSAS, SAID LINE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 18; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 18 S.89°17'55"E. 1021.61 FEET (S.89°17'55"E. BEING AN ASSUMED BEARING); THENCE S.0°42'05"W, 2068.78 FEET TO THE POINT OF BEGINNING, BEING ON THE WESTERLY LINE OF "THE STATE OF KANSAS" TRACT AS DESCRIBED ON PAGE 766 OF BOOK 483 AT THE RILEY COUNTY REGISTER OF DEEDS; THENCE S.55°49'16"E. TO THE WEST OR LEFT NORMAL HIGH WATER LINE OF THE KANSAS RIVER, BEING THE POINT OF TERMINUS.

S. 0°42'05"W 2068.78'

K-18 HIGHWAY

State of Kansas  
Office of Secretary of State  
Book 483 Page 766

Point of Beginning

Perm. Easement

S. 55°49'16"E  
Kansas River



NO SCALE

**BG CONSULTANTS, INC.**

ENGINEERS—ARCHITECTS—SURVEYORS

MANHATTAN, KANSAS HUTCHINSON, KANSAS  
LAWRENCE, KANSAS EMPORIA, KANSAS



January 2010

08-1191M

2-4





**Permanent Outfall Piping**

*Note:  
The Property Lines shown  
are provided by the Riley  
County Kansas GIS Dept.*

**KDWP Boat Ramp Area**

**Permanent Outfall Piping**

**Proposed Permanent State of Kansas Easement**

**Proposed Point of Discharge**

**Kansas River**

**Not to Scale**

**KANSAS**  
 DEPARTMENT OF TRANSPORTATION

Mark Parkinson, Governor  
 Deb Miller, Secretary

<http://www.ksdot.org>

September 29, 2009

City of Ogden  
 222 Riley Ave  
 Ogden KS 66517-0843

Re: Highway Permits 2-09-125 & 2-09-126

|                   |                |      |         |            |   |
|-------------------|----------------|------|---------|------------|---|
| Post-It® Fax Note | 7671           | Date | 10/1/09 | # of pages | 5 |
| To                | Patrick Coy    | From | Vince   |            |   |
| Co./Dept.         | BA Consultants | Co.  |         |            |   |
| Phone #           | Phone #        |      |         |            |   |
| Fax #             | FAX #          |      |         |            |   |

Dear Sir:

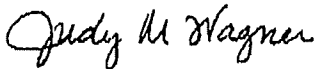
Enclosed please find **approved** Highway Permit, Use of Right of Way, Nos. 2-09-125 & 126, KDOT Form No. 304, with attachments.

As stated in the Permit Agreement, Petitioner agrees to notify Kenny Shivers, Area Superintendent, at (785) 632-3108, before work is initiated and again when the work is completed.

If further information is needed, please contact this office at (785) 823-3754.

Sincerely,

Randy H. West, P.E.  
 District Engineer



Judy M. Wagner  
 District Office Coordinator

cc: Dale E. Hershberger, P.E.

Const./Maint.  
Petitioner  
District  
Area  
City or Sub-Area

KANSAS DEPARTMENT OF TRANSPORTATION  
Bureau of Construction and Maintenance

HIGHWAY PERMIT  
USE OF RIGHT OF WAY

Permit No. 2-09-26  
Route K-18  
Co. RILEY-081  
State Highway K-18   
City Conn. Link   
City Ogden, KS

THIS AGREEMENT, made and entered into, between the Secretary of Transportation of the State of Kansas, referred to as

"Secretary" and City of Ogden (785) 539-0311  
(Name of Firm or Individual) (Tel. No.)  
222 Riley Ave, Ogden, Kansas, 66617-0843  
(Street) (City) (State) (Zip)  
referred to as "Petitioner" and the City of Ogden, KS, referred to as "City".  
(If Not Applicable, Enter N/A)

Secretary has jurisdiction over highway right-of-ways within the State Highway System of Kansas, and

Secretary (and City) believe it is in the interest of the Citizens of the State of Kansas to permit certain work or projects to be performed upon Highway right-of-ways, and

Petitioner requests permission and authority from Secretary (and City) to perform certain work, described as follows:

The City is proposing the improvements shown on the plan and profile sheets. The City is constructing improvements to the sanitary sewer treatment facility, which requires a discharge pipe to the Kansas River. The proposed improvements include a 26" diameter steel casing to be jacked and bored under the existing and proposed K-18 highway and proposed access roadway. The proposed improvements also provide for a 21" PVC gravity main with manholes to be placed outside of the controlled access limits in current KDOT right of way.

Said work is located on public right-of-way in, upon or along State Highway Route K-18, Reference Point 180-639 (or City  
Connecting Link Route \_\_\_\_\_ on \_\_\_\_\_ St.) in Sec. 18 TWP. 11S Range 7E, Riley County,  
0.50 Miles(km) south (direction) from Walnut Street (Jct. or county line) and

Secretary has delegated full and complete authority to the District Engineers of the Kansas Department of Transportation (KDOT) to execute Highway Permit Agreements, referred to as "Permits," for and on Secretary's behalf.

In consideration of the permission granted by the Secretary (and City) to utilize Highway right-of-way(s) in the manner described above, the following terms and conditions are mutually agreed to by the Petitioner, the Secretary (and the City).

1.0 PLANS: Petitioner shall furnish five (5) sets of comprehensive plans or sketches, 8 1/2" x 11" or 11" x 17", of the proposed work.  
1.1 Plans for utility installations must include a description of the size, type, and method of installation for the proposed Facilities to be located within highway right-of-ways, and adequate sketches to indicate the location of the proposed installation with respect to the traveled way of the highway, the right-of-way lines and, where applicable, the control of access lines.  
1.2 An accurate "As Built" Construction Plan shall be provided for deviation from the approved Plan.

2.0 MATERIAL AND METHODS: All requests to perform work in, upon or along Highway right-of-ways must be approved by the District Engineer (and City). In Cities, Petitioner will obtain additional Permits, as required by City.

2.1 The Petitioner shall furnish all material, do all work and pay all costs for the work described on this Permit.  
2.2 All utility installations shall comply with the conditions and applicable requirements of the KDOT Utility Accommodation Policy, current edition, which is incorporated by reference in its entirety (and City standards when they exceed those of KDOT).  
2.3 Drainage structure requirements shall be determined by Petitioner, but requirements are subject to review and approval by the District Engineer (and City).

2.4 All materials and construction methods used on work within the limits of the right-of-way shall meet or exceed the requirements of the "Standard Specifications for State Road and Bridge Construction," current edition. The Standard Specifications are available at www.ksdot.org.

3.0 INITIATION AND COMPLETION OF WORK: Petitioner agrees to notify the District Engineer (and City) or their duly authorized KDOT representative Kenneth Shivers 785-632-3108 before work is initiated and again when the work is completed.

3.1 An approved signed copy of this Permit shall be on the premises at the start and during the period any work is performed.  
3.2 All-work, including right-of-way restoration, shall be completed within 180 calendar days of APPROVAL DATE, otherwise this Permit is rescinded. If work has not been started within the completion time, this Permit becomes null and void.

4.0 INSPECTION: Petitioner will be responsible for supervising construction to insure compliance with KDOT (and City) policies and standards.

5.0 ACCEPTANCE: (Check One) KDOT  ; City  ; will be responsible for acceptance of restored right-of-way.

6.0 RIGHT-OF-WAY: Except for authorized changes, Petitioner shall restore the right-of-way to a condition equal to or better than existed prior to approval of the work described on this Permit.

6.1 Any sod, shrubs or trees destroyed by this work shall be replaced as directed by the District Engineer (and City).  
6.2 The right-of-way shall be kept free from parking, advertising signs or any other commercial activity.

7.0 OBSTRUCTION OF TRAFFIC: Petitioner shall ensure highway (and connecting link) traffic will be free of interference unless specifically provided for as a part of this Permit. All temporary traffic control devices and their installation and maintenance shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD for streets and highways which has been adopted by the Secretary). Whenever the temporary Traffic Control Standards conflict with the MUTCD, the Standards shall govern. Workers shall wear approved safety vests according to 23 CFR Part 634, Worker Visibility.

Const./Maint.  
Petitioner  
District  
Area  
City or Sub-Area

KANSAS DEPARTMENT OF TRANSPORTATION  
Bureau of Construction and Maintenance

Permit No. 2-09-1-5  
Route K-18  
RILEY-081  
State Highway K-18   
City Conn. Link   
City Ogden, KS

HIGHWAY PERMIT  
USE OF RIGHT OF WAY

RECEIVED  
EP 2 3 2009

THIS AGREEMENT, made and entered into, between the Secretary of Transportation of the State of Kansas, referred to as

'Secretary' and City of Ogden (785) 539-0311  
(Name of Firm or Individual) (Tel. No.)  
222 Riley Ave Ogden Kansas 66617-0843  
(Street) (City) (State) (Zip)  
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(If Not Applicable, Enter N/A)

Secretary has jurisdiction over highway right-of-ways within the State Highway System of Kansas, and

Secretary (and City) believe it is in the interest of the Citizens of the State of Kansas to permit certain work or projects to be performed upon Highway right-of-ways, and

Petitioner requests permission and authority from Secretary (and City) to perform certain work, described as follows:

The City is proposing the temporary piping shown on the aerial figure. The City is constructing improvements to the sanitary sewer treatment facility, which requires a temporary discharge of treated effluent during construction. The proposed temporary piping would be placed and anchored on the surface of the backslope along the west side of K-18 to a point of discharge where the treated effluent would open flow north down the KDOT ditch to Dry Branch Creek. The temporary piping would be installed in late 2009 or early 2010 and would be removed no later than May 1st, 2010. The Kansas Department of Health and Environment has reviewed this plan and gave their preliminary approval.

Pipe on right-of-way 180.629 to 180.923 (L)

Said work is located on public right-of-way in, upon or along State Highway Route K-18, Reference Point \_\_\_\_\_ (or City  
Connecting Link Route \_\_\_\_\_ on \_\_\_\_\_ St.) in Sec. 18 TWP. 11S Range 7E, Riley County,  
0.50 Miles(km) south (direction) from Walnut Street (Jct. or county line) and

Secretary has delegated full and complete authority to the District Engineers of the Kansas Department of Transportation (KDOT) to execute Highway Permit Agreements, referred to as "Permits," for and on Secretary's behalf.

In consideration of the permission granted by the Secretary (and City) to utilize Highway right-of-way(s) in the manner described above, the following terms and conditions are mutually agreed to by the Petitioner, the Secretary (and the City).

- 1.0 PLANS: Petitioner shall furnish five (5) sets of comprehensive plans or sketches, 8 1/2" x 11" or 11" x 17", of the proposed work.
  - 1.1 Plans for utility installations must include a description of the size, type, and method of installation for the proposed facilities to be located within highway right-of-ways, and adequate sketches to indicate the location of the proposed installation with respect to the traveled way of the highway, the right-of-way lines and, where applicable, the control of access lines.
  - 1.2 An accurate "As Built" Construction Plan shall be provided for deviation from the approved Plan.
- 2.0 MATERIAL AND METHODS: All requests to perform work in, upon or along Highway right-of-ways must be approved by the District Engineer (and City). In Cities, Petitioner will obtain additional Permits, as required by City.
  - 2.1 The Petitioner shall furnish all material, do all work and pay all costs for the work described on this Permit.
  - 2.2 All utility installations shall comply with the conditions and applicable requirements of the KDOT Utility Accommodation Policy, current edition, which is incorporated by reference in its entirety (and City standards when they exceed those of KDOT).
  - 2.3 Drainage structure requirements shall be determined by Petitioner, but requirements are subject to review and approval by the District Engineer (and City).
  - 2.4 All materials and construction methods used on work within the limits of the right-of-way shall meet or exceed the requirements of the "Standard Specifications for State Road and Bridge Construction," current edition. The Standard Specifications are available at www.ksdot.org.

3.0 INITIATION AND COMPLETION OF WORK: Petitioner agrees to notify the District Engineer (and City) or their duly authorized KDOT representative Kenneth Shivers 785-632-3105 before work is initiated and again when the work is completed.

3.1 An approved signed copy of this Permit shall be on the premises at the start and during the period any work is performed.  
3.2 All-work, including right-of-way restoration, shall be completed within 240 calendar days of APPROVAL DATE, otherwise this Permit is rescinded. If work has not been started within the completion time, this Permit becomes null and void.

4.0 INSPECTION: Petitioner will be responsible for supervising construction to insure compliance with KDOT (and City) policies and standards.  
5.0 ACCEPTANCE: (Check One) KDOT  ; City  ; will be responsible for acceptance of restored right-of-way.  
6.0 RIGHT-OF-WAY: Except for authorized changes, Petitioner shall restore the right-of-way to a condition equal to or better than existed prior to approval of the work described on this Permit.  
6.1 Any sod, shrubs or trees destroyed by this work shall be replaced as directed by the District Engineer (and City).  
6.2 The right-of-way shall be kept free from parking, advertising signs or any other commercial activity.

7.0 OBSTRUCTION OF TRAFFIC: Petitioner shall ensure highway (and connecting link) traffic will be free of interference unless specifically provided for as a part of this Permit. All temporary traffic control devices and their installation and maintenance shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD) for streets and highways which has been adopted by the Secretary. Whenever the temporary Traffic Control Standards conflict with the MUTCD, the Standards shall govern. Workers shall wear approved safety vests according to 23 CFR Part 634, Worker Visibility.

C - UY

9.0 MAINTENANCE: All utility installations shall be maintained or caused to be maintained by Petitioner.

9.0 PERMIT REVOCATION: In lieu of bond, Secretary may revoke the permit and remove any work performed. The Petitioner shall reimburse the Secretary for any cost incurred by Secretary to restore the right-of-way. The Secretary will not authorize any other highway permits until Petitioner has either reimbursed Secretary or restored the right-of-way.

10.0 LIABILITY: Petitioner shall indemnify and hold harmless Secretary from personal injury and property damage claims arising out of any act or omission of Petitioner. If Secretary defends a third party's claim, the Petitioner shall indemnify Secretary for personal injury damages, property damages and related expenses Secretary incurs arising out of Petitioner's act or omission. For purposes of this provision, the term Petitioner includes Petitioner's employees, agents, subcontractors (at any tier), suppliers (at any tier), successors, and assigns.

10.1 INSURANCE: Liability insurance. Petitioner shall carry "General Liability" insurance under an occurrence policy that has a minimum combined single limit of \$2,000,000 for personal injury and property damage and that contains the following coverage: Comprehensive Form, Premises-Operation, Underground Hazard, Products/Completed Operations Hazard, Contractual Insurance, Broad form Property Damage, Independent Contractors, and Personal Injury. Worker's Compensation: Petitioner shall carry "Worker's Compensation and Employer's Liability" insurance that complies with Kansas Statute. Automobile Liability: Petitioner shall carry "Automobile Liability" insurance under an occurrence policy that has a minimum combined single limit of \$1,000,000.00 for personal injury and property damage and that contains the following coverage: Comprehensive Form, Owned, Hired, and Non-Owned.

10.2 "Certificate of Insurance". This permit shall not take effect unless Petitioner provides Secretary a "Certificates of Insurance" confirming Petitioner carries insurance in the amounts and type this section requires. Petitioner shall obtain insurance only from insurers on the approved Federal Treasury List and authorized by the Kansas Commissioner of Insurance. The "Certificates of Insurance" shall include a clause requiring the insurer to notify Secretary thirty (30) calendar days in advance of a change in or cancellation of the insurance contracts.

10.3 Petitioner shall maintain the insurance required in Section 10.1 until the District Engineer releases the Petitioner from any Permit obligation.

11.0 DAMAGE TO UTILITIES: KDOT shall not be liable for damage to any utility not installed in the location authorized by any permit or agreement issued pursuant to the Utility Accommodation Policy.

12.0 PIPELINE LIABILITY: For attachments to bridges or other structures and for roadway crossings of PIPELINES CARRYING PETROLEUM, HAZARDOUS AND/OR CORROSIVE PRODUCTS, Petitioner shall solely assume all risk and liability for accidents and damages that may occur to persons, property or natural resources by reason of the operation of the pipeline attached to said bridge, structure or crossing of roadway.

12.1 Petitioner shall maintain the insurance required in Section 9.0 for as long as the pipeline remains attached to the bridge or other structure or for as long as the pipeline crosses the roadway. The insurance contract shall cover claims for such length of time as the law permits such claims.

13.0 ENVIRONMENTAL LIABILITY AND INDEMNIFICATION: Petitioner shall assume all risk and liability for all claims suits, actions, causes of actions, demands, rights, damages, costs, expenses, penalties, fines or compensation whatsoever, direct or indirect, which Petitioner now has or which Petitioner may have in the future on account of or arising out of or in connection with any known or unknown physical or environmental condition of the Petitioner's property or operation. Petitioner shall comply with federal, state and local statutes, rules and regulations. These include, without limitation, the Toxic Substances Control Act, the Comprehensive Environmental Response, Compensation and Liability Act, the Clean Water Act, the Oil Pollution Act, the Federal Drinking Water Act, the Clean Air Act, the Resource Conservation Recovery Act, and the state analogs. Petitioner shall indemnify the Secretary against and from all damages, expenses and costs incurred by any person, the State of Kansas, or the United States Government for determining and undertaking investigation, clean-up, removal or remedial action, any fines or penalties assessed under state or federal laws, contract claims, personal injury claims, and damage of or loss of natural resources. For purposes of this provision, the term Petitioner includes Petitioner's employees, agents, subcontractors (at any tier), suppliers (at any tier), successors, and assigns.

14.0 HIGHWAY IMPROVEMENTS AND/OR MAINTENANCE: If Secretary makes any alteration or improvement along or upon the highway right-of-way which is the subject of this Permit, Petitioner shall hold Secretary harmless for any and all damage or injury to Petitioner's Facilities, whether finished or unfinished, as well as damage or injury to Petitioner's equipment, materials, employees, agents or contractors. Petitioner shall conduct all work approved on this permit in such a manner as not to interfere with construction or other work being performed by the KDOT (or City) or its contractors in the vicinity of Petitioner's work or project.

14.1 Within a reasonable time after receiving written notice from Secretary that Petitioner's Facilities are in conflict with KDOT's new construction or major maintenance operations, Petitioner shall alter, change location or move their construction work or Facilities without cost or expense to the Secretary. If Petitioner fails to relocate their Facilities within a reasonable time, KDOT may move the Facilities. Except for Rural Water Districts meeting the requirements of K.S. A. 68-416(c), Petitioner shall reimburse KDOT for the costs of relocating the Facilities upon receipt of an itemized statement. (See, K.S.A. 68-415). Petitioner shall reimburse KDOT for any construction costs, claims or expenses KDOT incurs as a result of Petitioner's failure to timely relocate the Facilities.

14.2 Written notice will not be required for KDOT's normal maintenance.

15.0 ABANDONED OR RETIRED IN PLACE: Petitioner shall notify Secretary when the Facilities will be abandoned or retired in place and shall submit a plan for abandonment or retirement in place to the District Engineer or designee for review and approval. Petitioner shall remove or abandon the Facilities in place in accordance with the approved plan. Petitioner shall pay all costs associated with removal of abandoned or retired in place upon highway right-of-way Facilities.

This Permit is hereby accepted and its provisions agreed to by the Parties.

APPROVED:

PETITIONER

CITY OF Ogden, KS  
(when applicable)

  
Signature

James Patrick Cox, P.E.

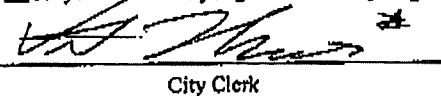
Printed Name

City of Ogden, PO Box C, Ogden, KS 68517-0848

Street Address (City, State, Zip Code)

Mayor  City Mgr.  City Engr.

Agent  Lease  Contractor

  
City Clerk

Street Address (City, State, Zip Code)

pat@bgcoons.com

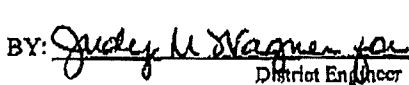
Contact Email

RECOMMENDED BY: 

Area/Metro Engr.  Area Supt.  Utility Coord.

PERMIT APPROVAL DATE: SEP 29 2009

SECRETARY OF TRANSPORTATION  
OF THE STATE OF KANSAS

BY:  RANDY H. WEST  
District Engineer DISTRICT ENGINEER

2-9

2-09-125

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This Permit is hereby accepted and its provisions agreed to by the Parties.

APPROVED:

PETITIONER:

CITY OF Ogden, KS  
(when applicable)

  
Signature  
James Patrick Cox, P.E.  
Printed Name

City of Ogden, PO Box C, Ogden, KS 66517-0843  
Street Address (City, State, Zip Code)

Mayor  City Mgr.  City Engr.

Agent  Lease  Contractor

  
City Clerk

Street Address (City, State, Zip Code)

pat@bgcons.com  
Contact Email

RECOMMENDED BY: Kenneth Shivers

Area/Metro Engr.  Area Supt.  Utility Coord.

PERMIT APPROVAL DATE: SEP 21 2009

SECRETARY OF TRANSPORTATION  
OF THE STATE OF KANSAS

BY: Judy M Wagner for RANDY H. WEST  
District Engineer DISTRICT ENGINEER

270



Mark Parkinson, Governor  
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

[www.kdheks.gov](http://www.kdheks.gov)

Division of Environment

KANSAS WATER POLLUTION CONTROL REVOLVING LOAN FUND PROGRAM  
FINDING OF NO SIGNIFICANT IMPACT

SEP. 14 2009

TO: All Interested Government Agencies and Public Groups

In accordance with procedures for implementing the Kansas Water Pollution Control Revolving Loan Fund Act (K.S.A. 65-3321 to 65-3329, K.A.R. 28-16-110 to 28-16-138 effective May 29, 1989 and 28-16-137 amended December 26, 1989, and the Kansas Environmental Review Procedure for the Kansas Water Pollution Control Revolving Loan Program dated February 1989) an environmental review has been performed on the proposed agency action below:

Project Name: Ogden, Kansas

Project No. C20 1711 01

Estimated Project Amount: \$1,790,000

Loan Amount: \$2,190,000

CDBG Amount: \$ 400,000

Project Description, Location and Purpose

The City of Ogden is an incorporated community, with an estimated population of 1900, located within Riley County Kansas. Ogden serves as the east gateway to Fort Riley military reservation. The city's wastewater needs are presently served via central gravity sewer collection system, influent pump station, and a three-cell, non-discharging lagoon facility. The City's current water pollution control permit (M-KS51-NO01) mandated a study of the lagoon system be performed to determine the condition and permeability of the existing clay liner within all cells. The study results indicated that the first two cells of the lagoon system met the requirements of K.A.R. 28-16-160 et seq., but the seepage rate of the third cell was exceeding regulatory limits. The quantity of sewage flow received at the lagoon exceeds the rated capacity for a non-discharging lagoon system. Immediate improvements are required to achieve compliance with K.A.R. 28-16-160 et seq., the lagoon seepage control regulations, and as a result of the reduced seepage rate the lagoons will overflow with discharge to the Kansas River.

The lagoon facility is located in the southeast quarter of Section 12, Township 11S, Range 6E and the new discharge will be into the Kansas River Basin (HUC 10270101-6). The new NPDES permit (M-KS51-OO02) is based on an average discharge flow of 0.45 MGD. Pursuant to the Kansas Surface Water Quality Standards K.A.R. 28-16-28 (b-f), the first classified stream is the Kansas River, segment 6. The Kansas River is a general purpose stream designated for expected aquatic life, all water use designations, and primary "B" contact recreation.

CURTIS STATE OFFICE BLDG.,  
Voice (785) 296-1567

Bureau of Water  
1000 SW Jackson, Suite 420  
Fax Number: (785) 296-0086

Topeka, KS. 66612-1367  
<http://www.kdheks.gov>

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The proposed project will consist of rehabilitation of the Walnut Street Pump Station and the rehabilitation of the third cell of the lagoons, which will require the installation of a plastic liner and the installation of a new discharge pipe from the lagoons to the Kansas River. The lagoon rehabilitation is the first phase of improvements planned by the city to serve future growth wastewater treatment needs. As the population increases and sewage flows approach 0.45 MGD, the second phase improvements will be constructed to provide an activated sludge system for additional treatment capacity.

All aspects of the project are eligible for loan assistance, with the exception of the purchase of land and easements.

The primary environmental impacts of the project include noise of heavy construction, slight erosion of exposed soil, and slight alteration of existing land forms at the construction site. No adverse impact on groundwater is anticipated.

Steps taken to minimize environmental impacts include implementation of erosion and sediment control measures, proper storage and disposal of construction materials. Land, materials, fuel and other forms of energy utilized in construction and operation of the facility will be irretrievably committed to the project.

Intergovernmental review comments have been requested and received with favorable response from the following agencies: Kansas Department of Agriculture-Division of Water Resources, Kansas Department of Wildlife and Parks, Kansas Department of Health and Environment, Kansas State Historical Society, Kansas Geological Survey, Kansas Biology Survey, Kansas Corporation Commission, Kansas Water Office, Kansas Conservation Commission, State Conservationist of the Natural Resource Conservation Service, U.S. Fish and Wildlife Service of the Department of Interior, and the U.S. Army Corps of Engineers. The KDHE Bureau of Environmental Remediation (BER) noted in the approval there are eight (8) Superfund sites within one mile of the project, and that the City's old dump is just east of the lagoon site. The KDHE BER requires any waste exposed via excavation be disposed of within a landfill permitted by the KDHE. The Division of Water Resources indicates a permit for the construction of the outfall into the Kansas River will be required. Portions of the property along the route of the new outfall are owned by the State of Kansas, and so an easement must be obtained. (See attached aerial photos.) Approval of the final design of the outfall sewer and discharge headwall by the U.S. Army Corps of Engineers is required. Construction of the new outfall sewer and discharge headwall will be delayed until all permits and approvals have been obtained by the City.



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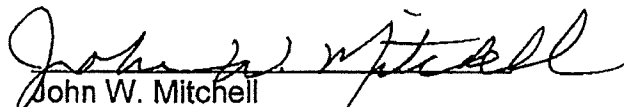
A public meeting and a public hearing were held concurrently on 31 August 2005. Environmental and financial impacts were discussed. The City adopted Ordinance No. 552 on 21 September 2005, establishing a Sewer Service Charge of \$8.00 per connection per month for the first 2000 gallons, and \$1.61 for every additional 1000 gallons used. A typical household will pay a total monthly sewer bill of approximately \$19.00. This user charge schedule appears adequate to finance both O, M & R and debt service expenses of the pump station replacement, lagoon rehabilitation, and new outfall sewer construction.

After considering both short-term and long-term effects of the project on the environment, it was determined that any short-term adverse impacts during construction will be offset by the long-term benefits derived from an improved wastewater treatment. No known endangered or threatened species occur in the project area. The review did not indicate a significant environmental impact will result from the proposed action. Consequently a preliminary decision has been made that an EIS will not be prepared.

This action is taken on the basis of a careful review of the facility plan, the environmental information document, environmental assessment and other supporting data, which are on file at the State Office. A copy of the environmental assessment is attached. Other information is available for review on request.

This agency will not take any administrative action on this project for at least thirty days from the above date. Persons wishing to comment on this Finding of No Significant Impact may submit comments to the Department of Health and Environment during this period to the attention of Rod Geisler, Chief, Municipal Programs.

Sincerely yours,

  
John W. Mitchell  
Director, Division of Environment

Attachments  
EAD  
Distribution List  
Map

## EXHIBIT A

### ENVIRONMENTAL ASSESSMENT DOCUMENT

- A. Project Identification: Ogden WWTF Upgrade  
Applicant: City of Ogden  
City: Ogden County: Riley  
Est. Project Amount: \$1,790,000
- Project No. C20 1711 01  
State: Kansas  
Loan Amount: \$2,190,000  
CDBG Amount: \$400,000

B. Community Description:

Location: The City of Ogden is an incorporated community located in Riley County in north central Kansas.

Population; Present, Projected, and Design Year: Ogden's current population is approximately 1900. The city's population growth is expected to increase in the near future as Fort Riley is expanded. The design of the new facility should meet the needs for a projected population equivalent (PE) of 4500 residents to the year 2025.

Current Methods of Waste Treatment: The city's wastewater needs are presently served via central gravity sewer collection system, influent pump station and a three-cell, non-discharging lagoon facility. The third cell of the lagoon has excessive seepage rates in violation of K.A.R. 28-16-160 et seq.

C. Project Description:

Purpose: The city's existing 3-cell, non-discharging treatment lagoon and main pump station have been in service since 1977. The non-discharging lagoon system was examined and found to not meet current KDHE regulations pertaining to seepage rate, and sewage flow exceeds the rated capacity. Therefore, the City of Ogden proposes to rehabilitate the Walnut Street Pump Station, and rehabilitate the third cell of the lagoon system by installing a plastic liner and placing new discharge piping from the lagoons to the Kansas River.

Design Factors: A Population Equivalent of approximately 4,500 residents, Design flow = 0.45 million gpd, which is expected to provide capacity for growth through 2025. Beyond this, a phase 2 project will be needed to construct an activated sludge system for additional capacity.

Receiving Stream: The lagoon facility is located in the southeast quarter of Section 12, Township 11S, Range 6E, and will discharge into the Kansas River Basin (HUC 10270101-6).

- D. Alternatives Considered: Several different alternatives were considered. Taking no action is not considered as a feasible option due to the current violations of K.A.R. 28-16-160 et seq. Continuing to operate the lagoon as a non-discharging system after the third cell is sealed is not possible, as existing sewage flows exceed this available capacity. Also, this does not provide for the projected future expansion of the city. Adding a fourth cell was considered but not pursued, as the enlarged lagoon system is not cost effective, and a higher degree of pollutant removal is desired by construction of an activated sludge process in phase 2 improvements to serve future growth. The selected alternative is to rehab the third cell and convert the lagoon to a discharging wastewater treatment system.

Reasons for Selection of Proposed Alternative: The alternative selected was found to be most cost-effective, reliable and implementable, and meets the long-term wastewater collection and treatment needs of the City.

E. Impact Summary:

1. Construction: Slight wind and water erosion of exposed soils, noise from heavy construction equipment and disruption of normal traffic patterns.
2. Population Impacts: No significant population impacts are anticipated.
3. Land Use and Trends: Land use patterns will not be significantly affected.
4. Financial: The user charge fees will be used to cover the cost of the project. The City adopted Ordinance No. 552 on 21 September 2005, establishing a Sewer Service Charge of \$8.00 per connection per month for the first 2000 gallons, and \$1.61 for every additional 1000 gallons used. A typical household will pay a total monthly sewer bill of approximately \$19.00. This user charge schedule appears adequate to finance both OM&R and debt service expenses of this project. The city has applied for and received a \$400,000 Community Development Block Grant.
5. Mitigation measures necessary to eliminate adverse environmental effect: Proper grading, drainage and slope protection to minimize erosion.
6. Irreversible and irretrievable commitment of resources: Materials used in construction of permanent structures; fuel and other forms of energy consumed during construction.

F. Measure taken to ensure Environmental Soundness:

1. Public Involvement: A public meeting and public hearing were held at the Ogden City Hall on 31 August 2005 to discuss the project alternatives, user charges and environmental impacts.
  2. Coordination and Documentation with Other Agencies and Special Interest Groups
    - a. Preliminary Engineering Report dated October 2005 as prepared by BG Consultants, Inc., Manhattan, KS. The Walnut Street Pump Station Design Summary dated March 2009 as prepared by BG Consultants, Inc. Construction plans and specifications dated June 2008 (Aerial Crossing) and March 2009 (Pump Station) as prepared by BG Consultants, Inc.
    - b. Federal/Others:
      1. U.S. Fish and Wildlife Service–Department of Interior
      2. U.S. Army Corps of Engineers
      3. State Conservationist–Natural Resource Conservation Service
    - c. State:
      1. Kansas Department of Wildlife and Parks
      2. Kansas Department of Health and Environment
      3. Kansas State Historical Society
      4. Kansas Geological Survey
      5. Kansas Biology Survey
      6. Kansas Corporation Commission
      7. Kansas Water Office
      8. Kansas Conservation Commission
      9. Kansas Department of Agriculture–Division of Water Resources
    - d. Consulting Engineers: BG Consultants, Inc.
- G. Positive Environmental Effects to be realized from the Proposed Project: Excessive seepage of partially treated wastewater from the existing lagoon system is eliminated. More enhanced and consistent wastewater treatment capacity and compliance with NPDES permit requirements.

H. Reasons for concluding there will be no significant impacts: Population densities and land use patterns will not be affected, no historical sites or sites of archeological significance will be affected. No wetlands or other sensitive environmental areas will be affected. The Division of Water Resources will require a permit for construction of the outfall sewer and discharge headwall. The U.S. Army Corps of Engineers will need to review and approve the design of the outfall sewer and discharge headwall. Construction of the new outfall sewer and discharge structure will be delayed until all permits and approvals have been obtained by the city.

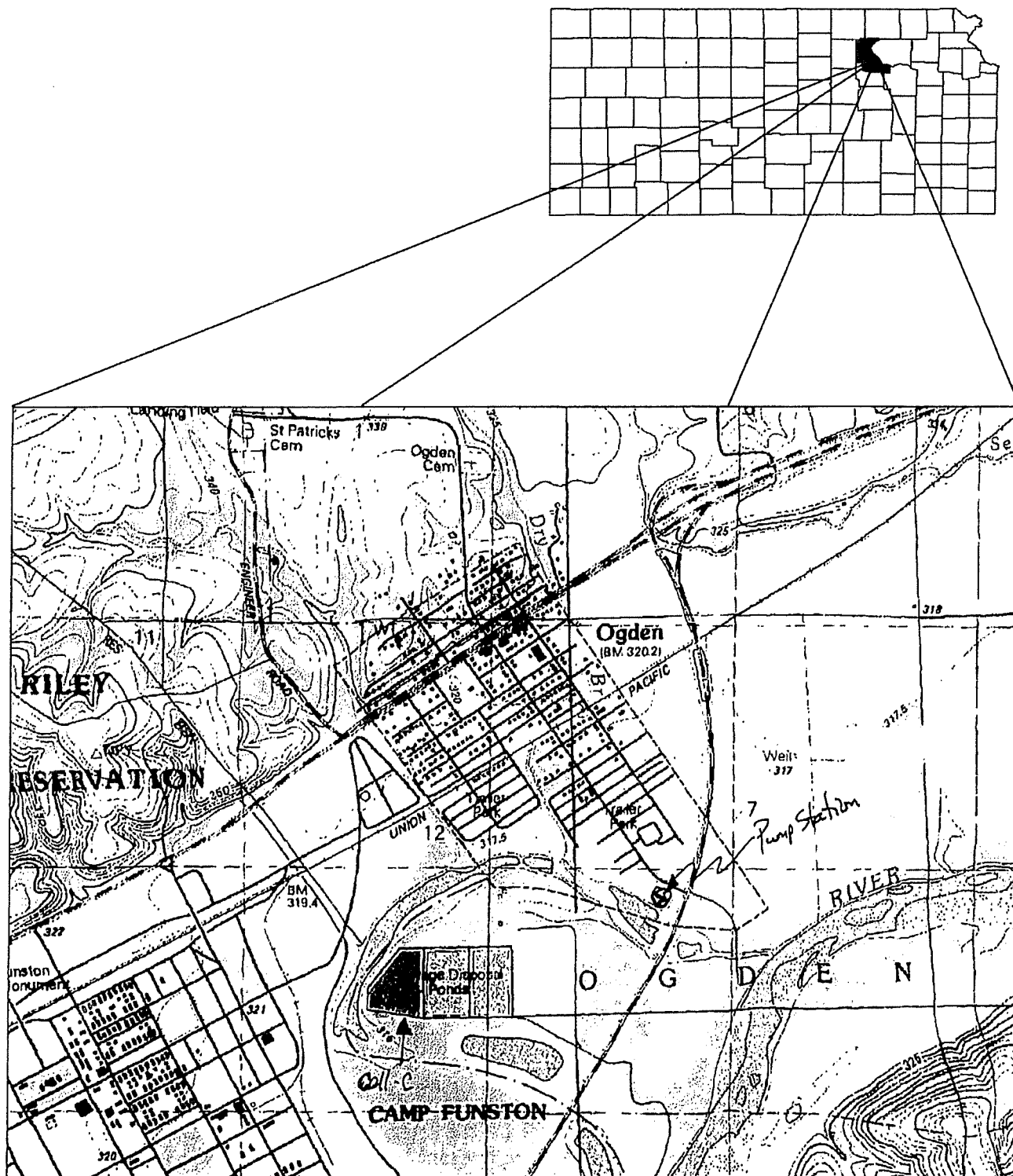


REVIEWING ENGINEER

10 Aug 2009

DATE

OGDEN, KANSAS WASTEWATER TREATMENT FACILITY IMPORVEMENTS PROJECT  
LOCATION MAP: RILEY COUNTY



DISTRIBUTION LIST  
OGDEN, KANSAS WASTEWATER IMPROVEMENTS  
FINDING OF NO SIGNIFICANT IMPACT

Kansas Dept. of Wildlife & Parks  
Environmental Services Section  
512 SE 25th Avenue  
Pratt, Kansas 67124-8174

State Conservationist  
Natural Resources Conservation Service  
760 South Broadway  
Salina, Kansas 67401

Executive Director  
Kansas State Historical Society  
6425 SW 6th Ave  
Topeka, Kansas 66615

Kansas Geological Survey  
Dr. William Harrison  
University of Kansas  
1930 Constant Ave - Campus West  
Lawrence, Kansas 66047

Kansas Biological Survey  
University of Kansas  
2041 Constant Ave  
Lawrence, Kansas 66047-2906

U.S. Army Corps of Engineers  
700 Federal Building  
601 E. 12<sup>th</sup> Street  
Kansas City, Missouri 64106

Environmental Protection Agency  
Region VII  
NPDES & Facilities Management  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Kansas Water Office  
901 S. Kansas Avenue  
Topeka, Kansas 66612

Kansas Dept. of Agriculture  
Division of Water Resources  
109 S.W. 9th Street  
Topeka, Kansas 66612

State Conservation Commission  
109 S.W. 9th Street  
Topeka, Kansas 66612

U.S. Dept. of the Interior  
Fish & Wildlife Service  
Ecological Services/  
Partners for Fish & Wildlife  
2609 Anderson Avenue  
Manhattan, Kansas 66502-2801

Kansas Corporation Commission  
130 S. Market - 2nd Floor  
Wichita, Kansas 67202

Environmental Protection Agency  
Office of Federal Activities  
Ariel Rios (2252A)  
1200 Pennsylvania Ave. NW  
Washington, D.C. 20004

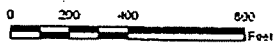
City of Ogden  
City Hall – PO Box C  
222 Riley Avenue  
Ogden, KS 66517-0843

BG Consultants, Inc.  
4806 Vue de Lac Place  
Manhattan, Kansas 66503

The Manhattan Mercury  
318 N. 5<sup>th</sup> St.  
P.O. Box 787  
Manhattan, Kansas 66505

Original 3 options considered.

\* New City of Ogden  
Boat Ramp.

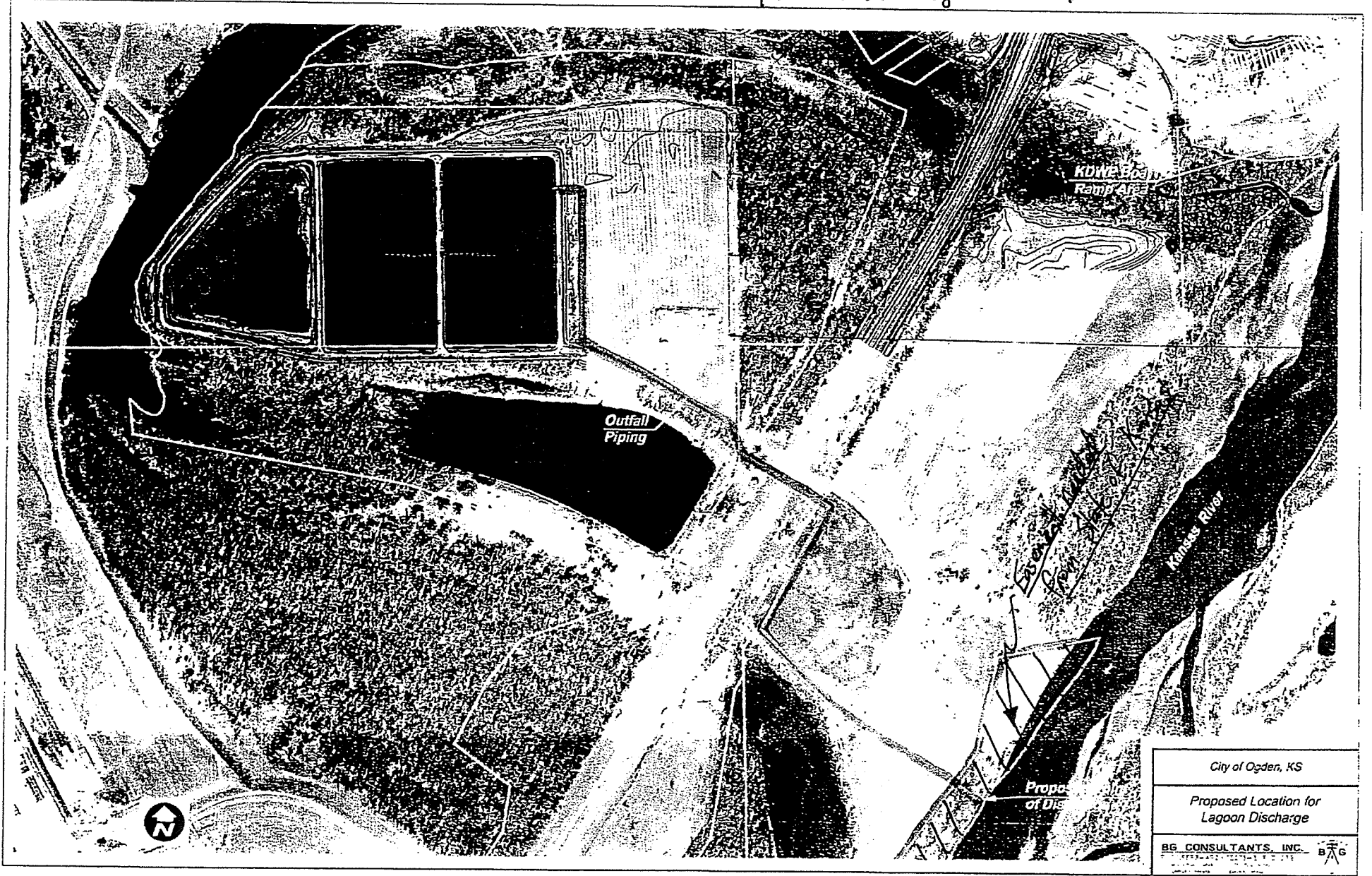



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| City of Ogden, KS  |
| Proposed Alternatives<br>for Lagoon Discharge  |
| <b>BG CONSULTANTS, INC.</b><br>ENGINEERS-ARCHITECTS-SURVEYORS<br><small>MEMBER FIRM OF THE B &amp; B GROUP</small> |

08-6



City is moving forward w/  
option 4 Discharge Location.



|  |
|--|
| City of Ogden, KS  |
| Proposed Location for<br>Lagoon Discharge  |
| BG CONSULTANTS, INC.  |

12-8

STATE OF KANSAS  
HOUSE OF REPRESENTATIVES



TOPEKA

JOHN FABER

REPRESENTATIVE, 120TH DISTRICT

JOHN M. FABER

HOME ADDRESS:  
H. C. 2, BOX 130  
BREWSTER, KS 67732  
785-694-2619  
jfaber@ink.org

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COMMITTEE ASSIGNMENTS

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RESOURCES BUDGET  
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TRANSPORTATION AND  
PUBLIC SAFETY BUDGET

**House Committee on Local Government**  
**Senate Bill No. 463**  
**Testimony by:**  
**Representative John Faber**  
**February 25, 2010**

Madam Chairperson and members of the Committee, thank you for allowing me to testify today in support of Norton County's position on SB 463.

Norton County has been exploring the possibility of a joint law enforcement center and infrastructure to accommodate business growth in the county.

As you know, current state statute limits county bonded indebtedness to 3% and city bond indebtedness to 30% of assessed valuation. A few years ago, the Legislature permitted Wyandotte and Franklin Counties to increase to the 30% level. Norton County is seeking the same authorization.

I would like the Committee to be aware, raising the limit for bonded indebtedness in Norton County will not affect the state budget nor would the State have any financial obligation under the bonds.

Its important to remember the voters of Norton County have the ultimate say in the authorization of a project and issuance of any bonds. Any bond project would be subject to a vote of the people.

In the Senate this bill was placed on the consent calendar and passed 40 to 0. I ask for your favorable support and request consideration of the matter being placed on the House consent calendar.

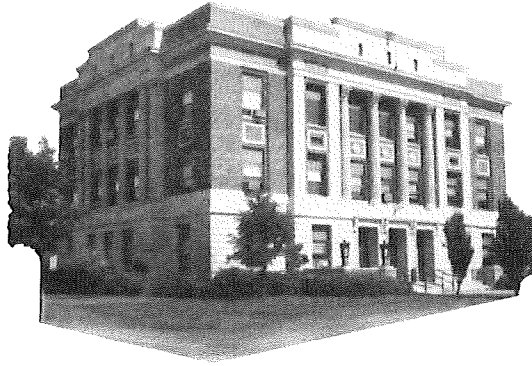
I'm pleased to answer questions. Thank you.

Local Government

Date: 2-25-10

Attachment # 3

# NORTON COUNTY, KANSAS



## NORTON, KANSAS

**House Committee on Local Government  
Senate Bill No. 463  
Testimony by John Miller, Norton County Commissioner  
February 25, 2010**

Madam Chairperson and members of the committee, thank you for the opportunity to present Norton County's position on SB463.

As a bit of background, current state statute limits county bond indebtedness to 3% and city bond indebtedness to 30%. Wyandotte County was the first to be granted the ability to issue bonds at the same level as cities and, four years ago, Franklin County was granted this same authority.

With the demand for new models of government to reduce costs at all levels and the trend toward regionalization and consolidation to meet this demand, it is important to have adequate options to finance more capital-intensive projects in small counties.

In planning for Norton County's future, we quickly recognized that financing is an obstacle to completing larger projects. Examples of projects we have been unable to consider under the current limitation are a joint law enforcement center, public health and infrastructure to accommodate business growth. Looking to the future, a higher limit is even more important as we consider innovative solutions to consolidating and regionalizing services.

Raising the limit for bond indebtedness in Norton County will not affect the state budget. Ideally, the projects we would be able to accomplish would help ease the burden on the state budget by facilitating more efficient delivery of public services.

- The current valuation of Norton County is \$38,980,437.00.
- At 3%, our bond indebtedness limitation is \$1,169,413.10.
- If increased to 30%, our limit would be \$11,694,131.00.

Thank you for this opportunity to offer testimony and I ask for your favorable support of Senate Bill No. 463. I'm pleased to answer any questions.

**Local Government**  
Date: 2-25-10  
Attachment # 4

STATE OF KANSAS



TOPEKA

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LOCAL GOVERNMENT  
JOINT COMMITTEE ON  
ADMINISTRATIVE RULES  
AND REGULATIONS

House Committee on Local Government  
in support of Senate Bill 463  
February 25, 2010

Chairman Schwartz and members of the House Local Government Committee, thank you for this opportunity to testify before you in support of SB 463. This legislation was requested through the Senate Local Government Committee on behalf of Norton County officials.

Current state statute limits county bond indebtedness to 3% and city bond indebtedness to 30%. Wyandotte County was the first to be granted the ability to issue bonds at the same level as cities and Franklin county was granted this same authority four years ago.

The Fiscal Note on this legislation shows no impact at the state level. The Board of Commissioners in this smaller county are seriously interested in planning for the future, but need a little more flexibility.

Thank you for your attention and consideration of SB 463.

A handwritten signature in black ink that reads "Ralph Ostmeyer". The signature is fluid and cursive, with a long, sweeping underline.

Ralph Ostmeyer  
Senator 40<sup>th</sup> District

Local Government  
Date: 2-25-10  
Attachment # 5