

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of the Complaint Against City of)	
Garden City, Kansas, Respondent, for an Order)	
Declaring that Garden City is Illegally Servicing)	
Conestoga Energy Partners, LLC, in Wheatland)	Docket No. 17-GDCE-370-COM
Electric Cooperative, Inc.'s Certified Service)	
Territory, and an Order to Cease, by Wheatland)	
Electric Cooperative, Inc., Complainant.)	

ANSWERS OF THE CITY OF GARDEN CITY TO COMMISSION QUESTIONS

On September 12, 2017, the Kansas Corporation Commission ("Commission") issued its Order Directing Wheatland and Garden City to Supplement the Record with Answers to Commission Questions. The City of Garden City ("Garden City") provides its answers as follows:

Question (a): Do you have plans to annex the territory occupied by the Conestoga ethanol plant?

Yes, effective September 21, 2017, Garden City annexed the property owned by Bonanza BioEnergy, LLC ("Bonanza")—a subsidiary of Conestoga Energy Partners, LLC and the owner of the ethanol plant located at 3002 East Highway 50, Garden City, Kansas.

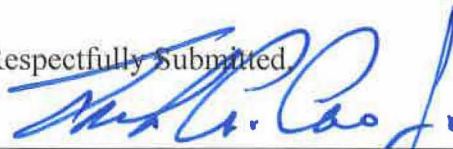
Question (b): If yes, what is the status of those plans, including an estimated date for completion of the annexation?

As stated above, the annexation was effective September 21, 2017. The property owned by Bonanza was annexed pursuant to K.S.A. 12-520(a)(7), which provides that a city may annex land if "the land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner." The subject property is adjacent to Garden City due to the City's earlier annexation of land owned by Windriver Grain, LLC. See **Attachment A**. The annexation of the property owned by Bonanza was accomplished through the following steps:

1. On August 30, 2017, Bonanza sent a letter to Garden City requesting annexation. See **Attachment B**.
2. On September 5, 2017, Bonanza and Garden City entered into a Memorandum of Understanding ("MOU") regarding water and electric power service rates for Bonanza. See **Attachment C**.
3. On September 15, 2017, Garden City provided courtesy notice to Wheatland Electric Cooperative, Inc. that an annexation request from Bonanza was on the agenda for the September 19, 2017 meeting of the City Commission of Garden City.
4. On September 19, 2017, the City Commission of Garden City held a public hearing to consider annexation of the property owned by Bonanza. The City Manager and the Public Utilities Director of Garden City submitted a memorandum to the City Commission, recommending that the City Commission authorize the annexation request of Bonanza pursuant to K.S.A. 12-520(a)(7) and approve the MOU outlining rates. See **Attachment D**. As a result, the City Commission approved and passed Ordinance No. 2771-2017 unanimously and without objection. The ordinance annexes the property owned by Bonanza to the City of Garden City. See **Attachment E**.
5. On September 21, 2017, Ordinance No. 2771-2017 was published in the Garden City Telegram. See **Attachment F**. Pursuant to K.S.A. 12-523, the annexation took effect on the date of publication.

Garden City respectfully submits these answers for Commission consideration and is available to answer any additional questions from the Commission or its Staff.

Respectfully Submitted,



Frank A. Caro, Jr. (KS Bar #11678)

Andrew O. Schulte (KS Bar #24412)

Polsinelli PC

900 W. 48th Place, Suite 900

Kansas City, MO 64112

Phone: (816) 572-4754

fcaro@polsinelli.com; aschulte@polsinelli.com

Randall D. Grisell, City Attorney (KS Bar #10547)

Doering, Grisell & Cunningham, P.A.

124 Grant Avenue

Garden City, Kansas

Phone: (620) 275-8099

randyg@gcnet.com

ATTORNEYS FOR GARDEN CITY

(PUBLISHED IN THE GARDEN CITY TELEGRAM ON THIS 19th DAY OF AUGUST, 2017.)

ORDINANCE NO. 2768 -2017

**AN ORDINANCE REPEALING ORDINANCE NO. 2765-2017
AND ANNEXING LAND TO THE CITY OF GARDEN CITY,
FINNEY COUNTY, KANSAS, PURSUANT TO K.S.A.
12-520(a)(7).**

WHEREAS, the following described land adjoins the City of Garden City, Kansas, and is generally located in Section 21, Township 24 South, Range 32 West of the 6th P.M., Finney County, Kansas; and

WHEREAS, WINDRIVER GRAIN, LLC, (Owner) is the owner of the following described land; and

WHEREAS, the Owner has requested and consented in writing to annexation of the following described land; and

WHEREAS, the Governing Body of the City of Garden City, Kansas, finds it advisable to annex the following described land.

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

SECTION 1. That Tract C and the tract designated Windriver Drive, Plat of Windriver II is hereby annexed and made a part of the City of Garden City, Finney County, Kansas. Said tract being annexed contains 4.1 acres, more or less.

SECTION 2. This annexation is made pursuant to K.S.A. 12-520(a)(7). No resolution, notice or public hearing is required pursuant to K.S.A. 12-520a(f).

SECTION 3. Ordinance No. 2765-2017 is hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its publication, in the Garden City Telegram, the official city newspaper.

PASSED AND APPROVED by the Governing Body of the City of Garden City, Kansas, this 15th day of August, 2017.



ATTEST:

Celynn N. Hurtado
Celynn N. Hurtado, City Clerk

Melvin L. Dale
Melvin L. Dale, Mayor


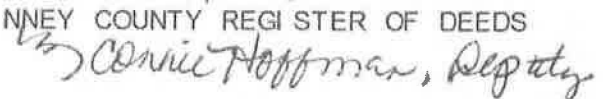
APPROVED AS TO FORM:

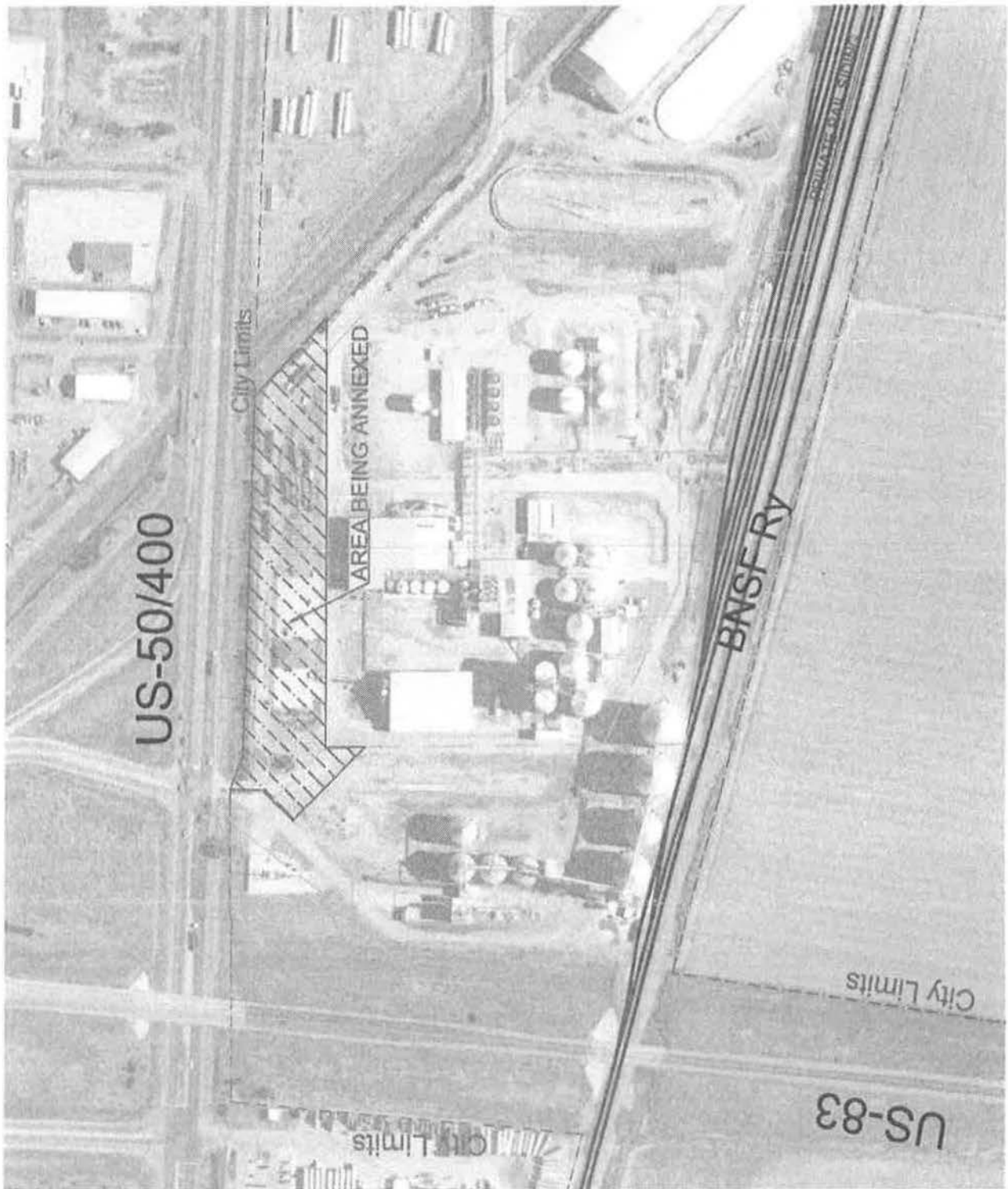

Randall D. Grisell, City Counselor

DATA ENTRY ✓
LAND INDEX ✓



State of Kansas, Finney County SS.
This instrument was filed for Record
08/21/2017 at 12:29 PM
& recorded in Book 0330 on Page 992
Fees: \$.00
2017-03643


ULRIKE LAPPIN,
FINNEY COUNTY REGISTER OF DEEDS

Connie Hoffman, Deputy



CERTIFICATION

330 992

I hereby certify the foregoing is a true and correct copy of Ordinance No. 2768-2017 passed by the Governing Body of the City of Garden City, Kansas on the 15th day of August, 2017, and signed for certification on this 17th day of August, 2017.



Celyn N. Hurtado
Celyn N. Hurtado, City Clerk

August 30, 2017

Mayor and City Commissioners
City of Garden City
PO Box 998
Garden City, KS 67846

Dear Honorable Mayor and Commissioners:

This is to request that the property located at 3002 E US Highway 50 be annexed into the City of Garden City.

We further request that all City utilities – water, wastewater, electric and solid waste – provide service to the property, which we have been using since the construction of the facility.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom Willis".

Tom Willis, C.E.O.
Bonanza BioEnergy, LLC

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (Memorandum) is entered into this 19th day of September, 2017, between the City of Garden City, Kansas (City), and Bonanza Bioenergy, LLC (Bonanza).

WHEREAS, City provides water and electric power service to the Bonanza ethanol plant located at 2830 East Highway 50, Garden City, Kansas (Ethanol Plant); and

WHEREAS, Bonanza will be requesting that the real property where the Ethanol Plant is located be annexed into the City; and

WHEREAS, the parties acknowledge that the request to annex fulfills the intent of both parties during the development of the Ethanol Plant, and that annexation was deferred until the time that federal incentives had expired; and

WHEREAS, In anticipation of annexation, the parties desire to enter into this Memorandum to address water and electric power service rates after annexation.

NOW, THEREFORE, the parties enter into this Memorandum, and agree as follows:

1. Effective on the first day of the month after an annexation ordinance becomes effective, the following rates shall apply to water and electric power service to the Ethanol Plant:

- a. Potable water - \$1.10 per 1,000 gallons.
- b. Non-potable water - \$.89 per 1,000 gallons. (Quality of the non-potable water to be mutually agreed to by the parties.)
- c. Electric - Twenty percent (20%) reduction in the amount set out in Code Section 90-304(d).

2. This Memorandum shall be effective on September 19, 2017, and shall continue for a period of five (5) years, ending on September 18, 2022. The parties agree that City may change the electric power service rates set forth in paragraph 1 (c) of this Memorandum after March 19, 2022. The amount of any such change shall be limited to an amount reflecting the increase in City's purchased power costs, calculated in cents/kWh. City's purchased power costs shall include all costs related to purchases of capacity, energy, transmission service, local access charges, congestion and congestion hedging, ancillary services, and any load profile changes at the Ethanol Plant. Any increase to be applied in 2022 shall not exceed the most current City published large commercial rate.

3. City acknowledges and agrees that it will provide sufficient water to allow for operation of the Ethanol Plant. City further acknowledges that it has an adequate supply and quantity of water to meet the needs of the Ethanol Plant.

4. This Memorandum may be assigned by Bonanza to a future owner of the Ethanol Plant, or any successor of Bonanza.

5. If annexation occurs, the Memorandum of Understanding between the parties dated May 6, 2014, shall be terminated, to be replaced by this Memorandum. If annexation does not occur, for whatever reason, the Memorandum of Understanding dated May 6, 2014, shall remain in full force and effect for the remainder of its term.

This Memorandum is acknowledged and approved as set forth below.

CITY OF GARDEN CITY, KANSAS

9/19/2017
Date

By: Melvin L. Dale
Melvin L. Dale, Mayor

ATTEST:

Celyn N. Hurtado
Celyn N. Hurtado, City Clerk

CITY OF GARDEN CITY, KANSAS/CITY
BONANZA BIOENERGY, LLC/BONANZA

MEMORANDUM OF UNDERSTANDING

PAGE 2

BONANZA BIOENERGY, LLC

09/19/2017
Date

By: Tom Willis
Tom Willis, Chief Executive Officer

W:\RDG\CITY\AGREEMENTS\MOU.BonanzaBioenergy(2017).docx



MEMORANDUM

TO: Governing Body
THRU: Matthew C. Allen, City Manager
FROM: Mike Muirhead, Public Utilities Director
DATE: September 19, 2017
RE: Bonanza Bioenergy, LLC Annexation Request

ISSUE:

The Governing Body is asked to consider and approve a request from Bonanza Bioenergy, LLC for annexation of property located at 3002 East Highway 50 and to continue to receive all utility services as outlined in the attached Memo of Understanding.

1. Ordinance No. _____-2017, an ordinance annexing land to the City of Garden City, Finney County, Kansas, pursuant to K.S.A. 12-520(a)(7).

BACKGROUND:

Bonanza Bioenergy, LLC (Bonanza) is requesting permission to annex the property at 3002 East Highway 50. Please see attached letter dated August 30, 2017 from Tom Willis, Bonanza CEO, making the request.

Bonanza acknowledges that this request to annex fulfills the intent of both parties, City of Garden City and Bonanza Bioenergy during the development of the ethanol plant, and that annexation was deferred until the time that federal incentives had expired, and in anticipation of annexation, the parties desire to enter into the attached Memorandum of Understanding (MOU) to address water and electric power service rates after annexation. The City of Garden City would continue to provide water, electric, and sanitary sewer services to the property.

ALTERNATIVES:

1. Authorize the annexation request of Bonanza and approve the MOU outlining rates.
2. Do not authorize the annexation request of Bonanza and do not approve the MOU outlining rates.

RECOMMENDATION:

Staff recommends alternative 1.

FISCAL NOTE:

The rates charged for electric and water service is outlined in the attached MOU. Sanitary sewer rates will remain as published in city code.

ATTACHMENTS:

Description	Upload Date	Type
-------------	-------------	------

Attachment D

Bonanza Bioenergy Annexation
Annexation Request
Rate MOU

8/31/2017
9/13/2017
9/13/2017

Backup Material
Backup Material
Backup Material

ORDINANCE NO. 2771-2017

AN ORDINANCE ANNEXING LAND TO THE CITY OF GARDEN CITY, FINNEY COUNTY, KANSAS, PURSUANT TO K.S.A. 12-520(a)(7).

WHEREAS, the following described land adjoins the City of Garden City, Kansas, and is generally located in Section 21, Township 24 South, Range 32 West of the 6th P.M., Finney County, Kansas; and

WHEREAS, BONANZA BIOENERGY, LLC, (Owner) is the owner of the following described land; and

WHEREAS, the Owner has requested and consented in writing to annexation of the following described land; and

WHEREAS, the Governing Body of the City of Garden City, Kansas, finds it advisable to annex the following described land.

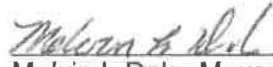
NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDEN CITY, KANSAS:

SECTION 1. That Tract B, Parcel Plat of Windriver is hereby annexed and made a part of the City of Garden City, Finney County, Kansas. Said tract being annexed contains 17.05 acres, more or less.

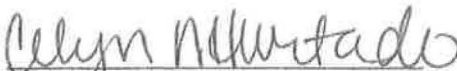
SECTION 2. This annexation is made pursuant to K.S.A. 12-520(a)(7). No resolution, notice or public hearing is required pursuant to K.S.A. 12-520a(f).

SECTION 3. This ordinance shall be in full force and effect from and after its publication, in the Garden City Telegram, the official city newspaper.

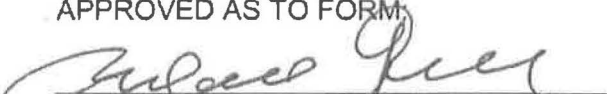
PASSED AND APPROVED by the Governing Body of the City of Garden City, Kansas, this 19th day of September, 2017.


Melvin L Dale, Mayor

ATTEST:


Celyn N. Hurtado, City Clerk

APPROVED AS TO FORM:


Randall D. Grisell, City Counselor



GARAGE SALES

1280 S. Rolling Hills Rd., Garden City. Huge Garage Sale! Now & Used Items. Furniture, clothes, jewelry, purses & shoes. Everything Must Go! Fri 1pm-7 Sat 7am-7 Sunday 7am if any items are left!

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Right face, right place

Feed Hay & Grain

30 baled round bales. Very good quality. 600-1000 lbs. \$55/bale. Grass round bales - \$50/bale. (620) 640-1465

(Published in The Garden City Telegram Thursday, September 21, 2017 and October 5, 2017.)

IN THE DISTRICT COURT OF FINNEY COUNTY, KANSAS

CIVIL DEPARTMENT

Lisa Wolf Financial, Inc.

vs.

The Heirs at Law of Jackie L. Janssen, Deceased

and The Heirs at Law of Linda L. Janssen, Deceased, et al.

Case No. 17CV76

County Number:

Pursuant to K.S.A. Chapter 60

NOTICE OF SALE

Under and by virtue of an Order of Sale issued to me by the Clerk of the District Court of Finney County, Kansas, the undersigned Sheriff of Finney County, Kansas, will offer for sale at public auction to a seal to the highest bidder for cash in hand, at the Front Door of the Courthouse at Garden City, Finney County, Kansas, on October 17, 2017, at 10:00 AM, the following real estate:

LOT EIGHT (8), BLOCK TWO (2), WESTAWN SUBDIVISION, IN GARDEN CITY, FINNEY COUNTY, KANSAS, commonly known as 2326 North O Street, Garden City, KS 67840, (the "Property")

is hereby notified that the above-described property is to be made without appraisal and subject to the redemption period as provided by law, and further subject to the approval of the Court. For more information, visit www.sheriff.com

Kevin C. Janssen, Sheriff

Finney County, Kansas

Prepared By:

Southlaw, P.C.

Mark Meier (KS #12255)

255 N. West, Suite 410

Wichita, KS 67202

(316) 684-7733

(316) 684-7733 (fax)

Attorneys for Plaintiff

(201801)

(Published in The Garden City Telegram on September 21, 2017; September 14, 2017, and September 07, 2017.)

IN THE DISTRICT COURT OF FINNEY COUNTY, KANSAS

In the Matter of the Marriage of RAMON JESUS MENDEZ-VALDEZ and EITHER SALINAS

Case No. 17-DV-315

NOTICE OF SUIT

THE STATE OF KANSAS TO ESTHER SALINAS, AND ANY AND ALL OTHER PERSONS WHO ARE OR MAY BE CONCERNED:

YOU ARE HEREBY NOTIFIED that a Petition has been filed in the District Court of Finney County, Kansas, by Ramon Jesus Mendez-Valdez praying for an absolute decree of divorce and from Esther Salinas, and for other relief. Now the same is required to be read to the Petition on or before October 25, 2017, in said Court at Garden City, KS 67840. If you fail to so read, judgment and decree will be entered in due course upon the Petition.

THOMAS J. BURGARDT 285980

CALVIN H. BROWN, BURGARDT & DOUGLASS, P.A.

111 West Main Street, P.O. Box 1016

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(Published in The Garden City Telegram Thursday, September 14, 21 & 28)

IN THE DISTRICT COURT OF FINNEY COUNTY, KANSAS
In the Matter of the Marriage of Maria Lopez-Marquin and Roland Rodriguez
Case No. 16DM109

NOTICE OF SUIT

The State of Kansas to Rolando Rodriguez:

You are notified that a Petition for Divorce was filed in the District Court of Finney County, Kansas asking that the person filing the divorce be granted a divorce and asking that the court make other orders in that divorce matter. You must file an answer to the Petition for Divorce with the court and provide a copy to the Petitioner on or before October 27, 2017, which shall not be less than 30 days after first publication of the Notice of Suit, or the court will enter judgment against you on the Petition.

Maria Lopez-Marquin
801 N. 9th St., Apt. South
Garden City, KS 67840
620-940-8069

100181

(Published in The Garden City Telegram Saturday, July 29, 2017)

IN THE DISTRICT COURT OF FINNEY COUNTY, KANSAS
PURSUANT TO K.S.A. CHAPTER 59

In the Matter of the Estate of GARY SHERIFF, Deceased
Case No. 17-PH-00040

NOTICE TO CREDITORS
THE STATE OF KANSAS TO ALL PERSONS CONCERNED:

You are hereby notified that on June 30, 2017, a Petition for issuance of Letters of Administration was filed in this court by Mary Sherrie, as heir, devisee and legatee of Gary Sheriff, Deceased.

All creditors of the Decedent are notified to exhibit their demands against the Estate within the latter of four (4) months from the date of the first publication of this notice under K.S.A. 59-2236 and amendments thereto, or the liability of the creditor is known or reasonably ascertainable, the 120-day after actual notice was given as provided by law, and if their demands are not thus exhibited, they shall be forever barred.

MARY SHERRIE

Petitioner

Dean K. Ryan, 10923
177 Grant Avenue
Garden City, KS 67840
(620) 273-9016
Attorney for Petitioner

(PUBLISHED IN THE GARDEN CITY TELEGRAM ON THIS 21st DAY OF SEPTEMBER, 2017.)

ORDINANCE NO. 2771-2017

AN ORDINANCE ANNEXING LAND TO THE CITY OF GARDEN CITY, FINNEY COUNTY, KANSAS, PURSUANT TO K.S.A. 12-520(a)(7).

WHEREAS, the following described land adjoins the City of Garden City, Kansas, and is generally located in Section 21, Township 24 South, Range 32 West of the 6th P.M., Finney County, Kansas; and

WHEREAS, BONANZA BIOENERGY, LLC, (Owner) is the owner of the following described land; and

WHEREAS, the Owner has requested and consented in writing to annexation of the following described land; and

WHEREAS, the Governing Body of the City of Garden City, Kansas, finds it advisable to annex the following described land;

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

SECTION 1. That Tract B, Parcel Plat of Win-driver is hereby annexed and made a part of the City of Garden City, Finney County, Kansas. Said tract being annexed contains 17.05 acres, more or less.

SECTION 2. This annexation is made pursuant to K.S.A. 12-520(a)(7). No resolution, notice or public hearing is required pursuant to K.S.A. 12-520(a)(7).

SECTION 3. This ordinance shall be in full force and effect from and after its publication in the Garden City Telegram, the official city newspaper.

PASSED AND APPROVED BY THE Governing Body of the City of Garden City, Kansas, this 19th day of September, 2017.

Melvin L. Dula, Mayor

ATTEST:
Clyde N. Hurlado, City Clerk

The Garden City Telegram
Service Directory

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REGULAR ROUTE SERVICE BY THE WEEK

Industrial & Commercial Service

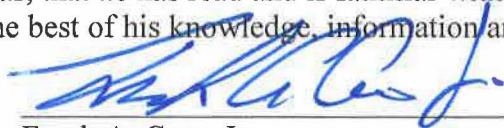
1230 S. Raceway Rd.

Garden City

VERIFICATION

STATE OF MISSOURI)
) SS.
COUNTY OF JACKSON)

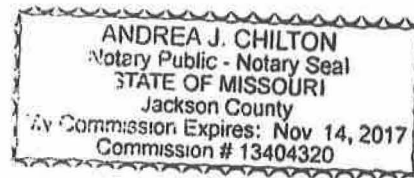
Frank A. Caro, Jr., being first duly sworn upon his oath, deposes and states that he is Counsel for The City of Garden City, Kansas, that he has read and is familiar with the foregoing and that the statements therein are true to the best of his knowledge, information and belief.



Frank A. Caro, Jr.

Subscribed and sworn to before me this 22nd day of September, 2017.





CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and forgoing was emailed, this 22nd day of September, 2017, to:

MATTHEW ALLEN, CITY MANAGER
CITY OF GARDEN CITY
301 N 8TH ST
PO BOX 998
GARDEN CITY, KS 67846
matt.allen@gardencityks.us

CELYN HURTADO, CITY CLERK
CITY OF GARDEN CITY
301 N 8TH ST
PO BOX 998
GARDEN CITY, KS 67846
Celyn.Hurtado@GardenCityks.us

MICHAEL MUIRHEAD,
DIRECTOR OF UTILITIES
CITY OF GARDEN CITY
301 N 8TH ST PO BOX 998
GARDEN CITY, KS 67846
mike.muirhead@gardencityks.us

RANDALL D. GRISELL, ATTORNEY
DOERING, GRISELL & CUNNINGHAM
124 GRANT AVE
GARDEN CITY, KS 67846
randyg@gcnet.com

MICHAEL DUENES, ASSISTANT
GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
m.duenes@kcc.ks.gov

JAKE FISHER, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
j.fisher@kcc.ks.gov

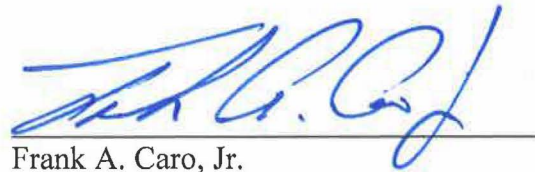
STEPHAN SKEPNEK,
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