

**CITY COMMISSION MEETING
Winfield, Kansas**

DATE: Tuesday, February 20, 2018
TIME: 5:30 p.m.
PLACE: City Commission – Community Council Room – First Floor – City Building

AGENDA

CALL TO ORDERMayor Gregory N. Thompson

ROLL CALL.....City Clerk, Brenda Peters

MINUTES OF PRECEDING MEETING.....Monday, February 05, 2018

OATHS-WINFIELD POLICE DEPARTMENT

-Chad Clemons
-Brian Shepard

PROCLAMATIONS

-Proclaiming March 3, 2018 as "130 Years Of Winfield High School Orchestra Day"

PUBLIC HEARINGS

-Consider condemnation for property located at 420 Soward St
-Consider condemnation for property located at 1810 Frankfort

BUSINESS FROM THE FLOOR

-Citizens to be heard

NEW BUSINESS

Ordinances & Resolutions

Bill No. 1819 – A Resolution – Setting forth findings that the structure, a house, located on a tract of land legally described as follows: Lot 7 and 8, Block 14, College Hill Addition, Winfield, Kansas. Commonly known as 420 Soward St. Recorded in Book 578 Page 154, in the Office of the Register of Deeds in Cowley County, Kansas, is unsafe and/or dangerous and ordering said structure to be repaired or removed in ninety (90) days. (420 Soward)

Bill No. 1820 – A Resolution – Setting forth findings that the structure, a house, located on a tract of land legally described as follows: North 20 feet of Lot 10, all of lot 11 and the south 10 feet of lot 12, all in block “H” of Howland’s Addition to the City of Winfield, Cowley County, Kansas. Commonly known as 1810 Frankfort, Winfield, Kansas. Recorded in Book 987 Page 167-175, in the Office of the Register of Deeds in Cowley County, Kansas, is unsafe and/or dangerous and ordering said structure to be repaired or removed in ninety (90) days. (1810 Frankfort)

Bill No. 1821 – A Resolution – Fixing the time and place and providing for notice of a public hearing before the Governing Body of the City of Winfield, Kansas, regarding the condemnation of a certain structures, a house in the City of Winfield, Cowley County, Kansas. (303 Loomis)

Bill No. 1822 - A Resolution – Accepting and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under and across real estate. (RR ROW)

OTHER BUSINESS

-Consider appointment of Director #2 to the KMEA Board of Directors
-Consider setting a public hearing related to the issuance of Health Care Facilities Refunding and Improvement Revenue Bonds for Cumbernauld Village to be held on Monday March 19, 2018.

ADJOURNMENT

-Next regular work session 4:00 p.m. Thursday March 1, 2018
-Next regular meeting 5:30 p.m. Monday, March 05, 2018.

CITY COMMISSION MEETING MINUTES
February 5, 2018

The Board of City Commissioners met in regular session, Monday, February 05, 2018 at 5:30 p.m. in the City Commission-Community Council Meeting Room, City Hall; Mayor Gregory N. Thompson presiding. Commissioners Ronald E. Hutto and Phillip R. Jarvis were also present. Also in attendance were Jeremy Willmoth, City Manager; Brenda Peters, City Clerk and William E. Muret, City Attorney. Other staff members present were Gus Collins, Director of Gas & Wastewater Utilities; Gary Mangus, Assistant to the City Manager; and Patrick Steward, Director of Public Improvements.

City Clerk Peters called roll.

Commissioner Hutto moved that the minutes of the January 17, 2017 meeting be approved. Commissioner Jarvis seconded the motion. With all Commissioners voting aye, motion carried.

PUBLIC HEARING

-Consider condemnation proceedings for 2104 W 6th Avenue. Mayor Thompson opened the public hearing. Director of Public Improvements Steward introduced Dan Rutherford, who is the contractor for the rehabilitation of the property and Jessica and Shawn Henning, owners of the property who would like to speak when the resolution is brought to the table regarding their plan and timeframe. With no one else present to speak, Mayor Thompson closed the public hearing.

BUSINESS FROM THE FLOOR

NEW BUSINESS

Bill No. 1811 – An Ordinance – Amending Section 74-114 of the Revised Ordinances of the City of Winfield, Kansas, relating to the operation of vehicles on city property. Assistant to the City Manager Mangus explains that this ordinance will allow for the use of golf cars in certain areas of the city, primarily the fairgrounds, the two golf courses, Broadway Sports Complex, and the Winfield City Lake. Upon motion by Commissioner Hutto, seconded by Commissioner Jarvis all Commissioners voting aye, Bill No. 1811 was adopted and numbered Ordinance No. 4083.

Bill No. 1812 – An Ordinance – Approving the petition for the exclusion of certain land from the incorporated city limits of the City of Winfield, Cowley County, Kansas. Director of Public Improvements Steward explains that this ordinance considers a petition for exclusion of land from the corporate boundaries of the City of Winfield. Steward explains that the owners of the property (Brian T. and Treva J. Harrod) filed a petition with the Planning Commission who held a public hearing to consider the exclusion After consideration of all of the factors required by statute, the Planning Commission did vote to recommend allowing the exclusion of the property as submitted on the petition. Steward also stated that there was no one present in opposition to the exclusion. Upon motion by Commissioner Jarvis, seconded by Commissioner Hutto all Commissioners voting aye, Bill No. 1812 was adopted and numbered Ordinance No. 4084.

Bill No. 1813 – An Ordinance – Amending Article 3 of the Zoning Regulations of the City of Winfield, Kansas, by changing the boundaries of certain districts referred to on an official map designated as the “Zoning District Map of Winfield, Kansas,” which is made a part of Article 3 of

the Zoning Regulations of the City of Winfield, Kansas. Director of Public Improvements Steward explains that this ordinance considers the change in zoning classification for a property located at 14th Avenue and Stewart Street. The request is to change the designation from a “R-3” High Density Residential District to “C-2” Restricted Commercial. Steward also explains that the Planning Commission held a public hearing on January 8, 2018 and after considering all factors required by statute and the zoning regulations, does recommend allowing the change. Upon motion by Commissioner Hutto, seconded by Commissioner Jarvis all Commissioners voting aye, Bill No. 1813 was adopted and numbered Ordinance No. 4085.

Bill No. 1814 – A Resolution – Accepting and granting a Conditional Use Permit to BBPJM, LLC at 502 W. 14th Ave., Winfield, KS for construction of mini/self-storage units within a “C-2” Restricted Commercial District. Director of Public Improvements Steward explains that this resolution is also for the property located at 14th Avenue and Stewart Street and considers the granting of a conditional use permit to allow for mini-storage units to be constructed on this parcel. The request for conditional use is made by BBPJM, LLC. Steward further explains that the Planning Commission did hold a public hearing on January 8, 2018. After considering all factors, the Planning Commission does recommend approval of the conditional use permit. Upon motion by Commissioner Jarvis, seconded by Commissioner Hutto all Commissioners voting aye, Bill No. 1814 was adopted and numbered Resolution No. 1018.

Bill No. 1815 – A Resolution – Authorizing and directing the Mayor and Clerk of the City of Winfield, Kansas, to execute Supplemental Agreement No. 1 to Agreement No. 108-16 between the City and the Secretary of the Kansas Department of Transportation, relating to the federal fund exchange program. Director of Public Improvements Steward explains that this resolution considers a supplemental agreement to the agreement for Federal Funds Exchange with the Kansas Department of Transportation (KDOT). Steward explains that KDOT is the conduit for federal funds that would come to the City and the supplemental agreement changes the rate in which the funds are exchanged. Upon motion by Commissioner Hutto, seconded by Commissioner Jarvis all Commissioners voting aye, Bill No. 1815 was adopted and numbered Resolution No. 1118.

Bill No. 1816 – A Resolution – Setting forth findings that the structure, Lot 4, 5 and 6, Block 6, West Side Addition to Winfield, Kansas together with the West Half of Summit Street (now vacated), adjoining said lots. Commonly known as 2104 W. 6th Ave, recorded in Book 0581 Page 312, in the Office of the Register of Deeds in Cowley County, Kansas, is unsafe and/or dangerous and ordering said structure to be repaired or removed in ninety (90) days. Director of Public Improvements Steward explains that this resolution considers condemnation of a structure located at 2104 W. 6th Avenue. Steward explains that staff has been in discussions with the property owner and the contractor and a permit has been issued, and that the owners have expressed intent to repair the structure. The purpose of this resolution is to allow the City to retain insurance funds that have been received for the fire damage at the property to ensure that the work is completed. Once a certificate of occupancy is issued for the structure, the insurance proceeds being held by the City will be returned to the property owners. If the project fails to be done, the insurance proceeds would then be used in order for the City to take the necessary steps to remove the structure. Contractor Dan Rutherford residing at 15420 W. Hyview Drive, Goddard, Kansas told the Commission that work has already begun to re-build the property and that he believed that the project could easily be complete within the stated ninety-day period. Upon motion by Commissioner Jarvis, seconded by

Commissioner Hutto all Commissioners voting aye, Bill No. 1816 was adopted and numbered Resolution No. 1218.

Bill No. 1817 – A Resolution – Authorizing and directing the Mayor and Clerk of the City of Winfield, Kansas, to execute an agreement with Swindoll, Janzen Hawk & Loyd, LLC, to perform an annual audit for the year ending December 31, 2017; and subject to the provisions hereof, for the years December 31, 2018, 2019, 2020, and 2021. City Manager Willmoth explains that this resolution secures the CPA firm Swindoll, Janzen Hawk & Loyd, LLC to perform the annual audit for the City for the five year period beginning with 2017. The cost for the 2017 audit is a not-to-exceed price of \$50,000. Willmoth further explains that the price will increase by five percent annually. Upon motion by Commissioner Hutto, seconded by Commissioner Jarvis all Commissioners voting aye, Bill No. 1817 was adopted and numbered Resolution No. 1318.

Bill No. 1818 – A Resolution – Encouraging an additional Transmission Project and Interconnection with Westar Energy to provide improved performance and redundancy to our system. City Manager Willmoth explains that this Bill is a request to Westar in support of a project for redundancy to our electric system from the north. Willmoth explains that partners of the project, KPP and Gridliance believe that legislative support from the City would help this project happen. Upon motion by Commissioner Jarvis, seconded by Commissioner Hutto all Commissioners voting aye, Bill No. 1818 was adopted and numbered Resolution No. 1418.

OTHER BUSINESS

Consider lease of Mini-Excavator for the Cemetery Department. Assistant to the City Manager Mangus explains that staff recommends the Commission authorize the City Manager to enter into a five-year (60 month) lease with Whitestar Machinery for a mini-excavator for an amount of \$8,000 annually for use in the Cemetery Department. Commissioner Hutto moved to approve the sixty-month lease of an Mini-Excavator from Whitestar Machinery for a cost of \$8,000 annually. Motion was seconded by Commissioner Jarvis. With all Commissioners voting aye, motion carried.

City Manager Willmoth shared with the Commission that the City received the GFOA (Government Finance Officers Association) Financial Reporting Award for Excellence in Financial Reporting.

ADJOURNMENT

Upon motion by Commissioner Jarvis, seconded by Commissioner Hutto, all Commissioners voting aye, the meeting adjourned at 5:47 p.m.

Signed and sealed this 12th day of February 2018. Signed and approved this 20th day of February 2018.

Brenda Peters, City Clerk

Gregory N. Thompson, Mayor



PROCLAMATION

WHEREAS, Winfield High School (WHS) instituted orchestra in 1888 under the direction of Louis M. Gordon. Mr. Gordon served as WHS Orchestra Director from 1888-1920; and

WHEREAS, 16 Directors have led WHS Orchestra in the past 130 years. Ms. Robbie Banks is the current WHS Orchestra Director. She began her orchestra teaching career as Assistant Director in 2000 and became the Director in 2006; and

WHEREAS, WHS Orchestra was one of the first and is now one of the longest-standing in the United States; and

WHEREAS, WHS Orchestra has consistently produced high ranking ensembles receiving State and National recognition. In addition, many professional musicians and music educators received their foundation of music in the WHS Orchestra; and

WHEREAS, WHS will celebrate the 130th Anniversary of the Winfield High School Orchestra on March 3, 2018. WHS is as committed today to help nurture the love and passion of string music to students as it was in 1888.

NOW THEREFORE, to recognize and commemorate the 130th anniversary of Winfield High School Orchestra, I, Gregory N. Thompson, Mayor of the City of Winfield, Kansas, hereby proclaim March 3, 2018, as "130 years of Winfield High School Orchestra Day."



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Winfield, Kansas, to be affixed this 20th day of February, 2018.

ATTEST:

Gregory N. Thompson, Mayor

Brenda Peters, City Clerk

(Published in The Cowley CourierTraveler on Friday, February 23, 2018)

BILL NO. 1819

RESOLUTION NO. 1518

A RESOLUTION

SETTING forth findings that the structure, a house, located on a tract of land legally described as follows: ***Lot 7 and 8, Block 14, College Hill Addition, Winfield, Kansas.*** Commonly known as **420 Soward St.** Recorded in **Book 578 Page 154,** in the Office of the Register of Deeds in Cowley County, Kansas, is unsafe and/or dangerous and ordering said structure to be repaired or removed in ninety (90) days.

WHEREAS, the Governing Body, by **Resolution No. 0218,** scheduled a hearing for February 20th, 2018 at 5:30 p.m. to hear evidence to determine if the structure hereinafter described is unsafe and/or dangerous; and,

WHEREAS, on the 20th of February, 2018 the Governing Body heard all the evidence submitted.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:

Section 1. The Governing Body hereby finds that the structure, a house, located on a tract of land legally described as: ***Lot 7 and 8, Block 14 , College Hill Addition, Winfield, Kansas.*** Commonly known as **420 Soward St.** Recorded in **Book 578 Page 154,** in the Office of the Register of Deeds in Cowley County, Kansas, is unsafe and dangerous and hereby directs the owner to remove or repair said structure and make the premises safe and secure. The owner has ninety (90) days from the date of publication of this resolution or building permit date, whichever comes first, to complete repair work, bring the structure into code compliance and make said structure safe and habitable. Compliance must meet city standards and expectations. The owner must have the structure inspected by the city inspector and obtain a Certificate of Occupancy from the Inspection Department before said structure is deemed safe, habitable and ready for occupancy. Regardless of the expenditures and/or progress on the structure, if the owner fails to complete the repair within the time frame specified or fails to diligently prosecute the same until the work is completed, then at its discretion said Governing body will cause the structure to be razed and removed or extend the time period. The cost of razing and removal, less salvage, if any, shall be assessed as a special assessment against the parcel of land upon which the structures are located.

Section 2. Within thirty (30) days of publication, the owner shall provide to the Building Official a detailed written plan for rehabilitation or removal of the structure complete with estimated costs and completion date. Failure to provide said plan within the designated time shall constitute waiving of the established time for repair established in Section 1.

Section 3. The City Clerk shall cause said findings to be filed with the Register of Deeds of Cowley County, Kansas.

Section 4. This resolution shall be in full force and effect from and after its adoption and publication in the official city newspaper.

ADOPTED this 20th day of February, 2018.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

Approved as to form: _____
William E. Muret, City Attorney

Approved for Commission action: _____
Jeremy Willmoth, City Manager / ja

(Published in The Cowley CourierTraveler on Friday, February 23, 2018)

BILL NO. 1820

RESOLUTION NO. 1618

A RESOLUTION

SETTING forth findings that the structure, a house, located on a tract of land legally described as follows: North 20 feet of Lot 10, all of lot 11 and the south 10 feet of lot 12, all in block “H” of Howland’s Addition to the City of Winfield, Cowley County, Kansas, commonly known as **1810 Frankfort, Winfield, Kansas**. Recorded in **Book 987 Page 167-175**, in the Office of the Register of Deeds in Cowley County, Kansas, is unsafe and/or dangerous and ordering said structure to be repaired or removed in ninety (90) days.

WHEREAS, the Governing Body, by **Resolution No. 0118**, scheduled a hearing for February 20th, 2018 at 5:30 p.m. to hear evidence to determine if the structure hereinafter described is unsafe and/or dangerous; and,

WHEREAS, on the 20th of February, 2018 the Governing Body heard all the evidence submitted.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:

Section 1. The Governing Body hereby finds that the structure, a house, located on a tract of land legally described as: **North 20 feet of Lot 10, all of lot 11 and the south 10 feet of lot 12, all in block “H” of Howland’s Addition to the City of Winfield, Cowley County, Kansas**, commonly known as **1810 Frankfort, Winfield, Kansas**, recorded in **Book 987 Page 167-175**, in the Office of the Register of Deeds in Cowley County, Kansas, is unsafe and dangerous and hereby directs the owner to remove or repair said structure and make the premises safe and secure. The owner has ninety (90) days from the date of publication of this resolution or building permit date, whichever comes first, to complete repair work, bring the structure into code compliance and make said structure safe and habitable. Compliance must meet city standards and expectations. The owner must have the structure inspected by the city inspector and obtain a Certificate of Occupancy from the Inspection Department before said structure is deemed safe, habitable and ready for occupancy. Regardless of the expenditures and/or progress on the structure, if the owner fails to complete the repair within the time frame specified or fails to diligently prosecute the same until the work is completed, then at its discretion said Governing body will cause the structure to be razed and removed or extend the time period. The cost of razing and removal, less salvage, if any, shall be assessed as a special assessment against the parcel of land upon which the structures are located.

Section 2. Within thirty (30) days of publication, the owner shall provide to the Building Official a detailed written plan for rehabilitation or removal of the structure complete with estimated costs and completion date. Failure to provide said plan within the designated time shall constitute waiving of the established time for repair established in Section 1.

Section 3. The City Clerk shall cause said findings to be filed with the Register of Deeds of Cowley County, Kansas.

Section 4. This resolution shall be in full force and effect from and after its adoption and publication in the official city newspaper.

ADOPTED this 20th day of February, 2018.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

Approved as to form: _____
William E. Muret, City Attorney

Approved for Commission action: _____
Jeremy Willmoth, City Manager / ja

(First published in The Cowley CourierTraveler on Friday, February 23, 2018)

BILL NO. 1821

RESOLUTION NO. 1718

A RESOLUTION

FIXING the time and place and providing for notice of a public hearing before the Governing Body of the City of Winfield, Kansas, regarding the condemnation of a certain structures, a house in the City of Winfield, Cowley County, Kansas.

WHEREAS, on January 19, 2017, the Code Enforcement Inspector of the City of Winfield, Kansas, acting as the enforcing officer pursuant to K.S.A. 12-1750 Supp. et. Seq., filed with the Governing Body of said City, a statement in writing that certain structures hereinafter described are unsafe for human habitation and/or dangerous.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:

Section 1. A hearing will be held on April 2nd, 2018 at 5:30 p.m. in the Community Council Room, City Hall, 200 East Ninth Avenue, Winfield, Kansas, at which time the owners, their agents, lien holders of record and any occupants of said structures legally described below:

Lot 26, Block 143, Northfield Addition to the City of Winfield, Kansas. Commonly known as **303 Loomis St.** Recorded in **Book 0540 Page 442**, in the Office of the Register of Deeds of Cowley County, Kansas, may appear and show cause why said structures should not be condemned as unsafe and dangerous and ordered repaired or demolished.

Section 2. The City Clerk is hereby directed to have this resolution published twice in the official city newspaper once each week for two consecutive weeks on the same day of each week and shall give notice to said person or persons in the manner provided by K.S.A. 12-1750 Supp. et. seq.

Section 3. This resolution shall be in full force and effect from and after its adoption and publication in the official city newspaper.

ADOPTED this 20th day of February, 2018.

(SEAL)

ATTEST:

Gregory N. Thompson, Mayor

Brenda Peters, City Clerk

Approved as to form: _____
William E. Muret, City Attorney

Approved for Commission action: _____
Jeremy Willmoth, City Manager / jha



Request for Commission Action

Date: February 9, 2018

Requestor: Gus Collins, Director of Utilities

Action Requested: Consider approving an easement – to re-route the electrical service serving the BNSF/WATCO railroad yard.

Analysis: The Electric Service to the RR yard, 210 Broad Street, crosses the walnut river. The poles supporting the existing service line is in very bad shape. It either needs to be replaced or rerouted. The location of one pole crosses the river, which allows for very limited access. Recommendation is to move the line, to eliminate maintenance issues in the future.

Fiscal Impact: Replace pole and labor to be funded within existing budget.

5 poles - \$100/pole

Labor – Approximately 4 days.

The re-routing will eliminate maintenance costs for this service.

Attachments: Map – depicting the existing route and the proposed route

A RESOLUTION

ACCEPTING and authorizing the filing of a certain permanent easement necessary to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across certain real estate in the City of Winfield, Cowley County, Kansas.

WHEREAS, it was necessary to acquire a certain permanent easement to provide right-of-way for installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances in Cowley County, Kansas; and,

WHEREAS, said easement has been successfully negotiated.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, THAT:

Section 1. The Mayor and Clerk of the City of Winfield, Kansas, are hereby authorized and directed to accept a certain permanent easement in Cowley County, Kansas, granted by the City of Winfield, a municipal corporation in Cowley County, Kansas, Gregory N. Thompson, Mayor, necessary to provide right-of-way for the purpose of installation, construction, maintenance, repair, and removal of the utilities and the necessary appurtenances therefore, in, over, under, and across the real estate described as follows:

(Legal description to be added when available)

Section 2. The Clerk of the City of Winfield, Kansas shall record said easement with the Register of Deeds of Cowley County, Kansas.

Section 3. This resolution shall be in full force and effect from and after its adoption.

ADOPTED this 16th day of January 2018.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

Approved as to form: _____
William E. Muret, City Attorney

Approved for Commission action: _____
Jeremy Willmoth, City Manager /ps



CERTIFICATE

DIRECTOR # 2

KANSAS MUNICIPAL ENERGY AGENCY BOARD OF DIRECTORS

This Certificate duly documents the appointment of a ***Director #2*** to serve on the Board of Directors of the Kansas Municipal Energy Agency (KMEA) as provided for in Section 5.1 of the Agency's Bylaws.

I, the undersigned City Clerk of the City of _____, Kansas, a member of KMEA, do hereby certify that at a meeting of the City Governing Body duly held on the ____ day of _____, 201__;

Name of the Director appointed: _____

Title (if applicable): _____

Who resides within the territory served by the City's electric utility, was appointed to serve on the KMEA Board of Directors for a term expiring on April 30, 2020.

I further certify that the foregoing appointment is reflected in the official Minutes of the Governing Body of the City for the meeting on the date indicated above.

This certificate is given this _____ day of _____, 201__.

City Clerk

_____, Kansas