

**CITY COMMISSION MEETING  
Winfield, Kansas**

DATE: Monday, November 04, 2019  
TIME: 5:30 p.m.  
PLACE: City Commission – Community Council Room – First Floor – City Building

**AGENDA**

CALL TO ORDER .....Mayor Ronald E. Hutto  
ROLL CALL.....City Clerk, Brenda Peters  
MINUTES OF PRECEDING MEETING.....Monday, October 21, 2019

**PUBLIC HEARING**

-Evaluating the performance of Grant No. 17-HR-004 which was to rehabilitate 15 housing units.

**BUSINESS FROM THE FLOOR**

-Citizens to be heard

**NEW BUSINESS**

Ordinances & Resolutions

**Bill No. 1979 – An Ordinance** – Amending Chapter 78, Article VIII, Section 78-524 and Section 78-525 of the Winfield City Code by striking Section 78-524 and Section 78-525 and adding a new Section 78-524 and Section 78-525.

**Bill No. 1980 – An Ordinance** – Authorizing the City of Winfield, Kansas, to enter into a Lease Purchase Transaction, the proceeds of which will be used to pay the costs of acquiring emergency medical services equipment for use in the City; and to approve the execution of certain documents in connection therewith.

**Bill No. 1981 – A Resolution** – Authorizing the Mayor and the City Clerk of the City of Winfield, Kansas to terminate the Short Term Disability Benefit Plan per Resolution No. 10996 and therefore close out the Short Term Disability Fund and transfer the balance of said fund to the General Fund as of December 31, 2019.

**OTHER BUSINESS**

-Consider Administrative Review Committee recommendation of IMI Fluid Kinetics Economic Development Tax Exemption request

**ADJOURNMENT**

-Next Commission work session 4:00 p.m. Thursday November 14, 2019.  
-Next regular meeting 5:30 p.m. Monday, November 18, 2019.

**CITY COMMISSION MEETING MINUTES**  
**Winfield, Kansas**  
**October 21, 2019**

The Board of City Commissioners met in regular session, Monday, October 21, 2019 at 5:30 p.m. in the City Commission-Community Council Meeting Room, City Hall; Mayor Ronald E. Hutto presiding. Commissioners Phillip R. Jarvis and Gregory N. Thompson were also present. Also in attendance were Taggart Wall, City Manager; Brenda Peters, City Clerk; and William E. Muret, City Attorney. Other staff members present were Patrick Steward, Director of Public Improvements; Robbie DeLong, Interim Police Chief; and Gary Mangus, Assistant to the City Manager.

City Clerk Peters called roll. All members were present.

Commissioner Jarvis moved that the minutes of the October 7, 2019 meeting be approved. Commissioner Thompson seconded the motion. With all Commissioners voting aye, motion carried.

**BUSINESS FROM THE FLOOR**

Mayor Hutto noted there were no citizens present to bring business to the Commission.

**OTHER BUSINESS**

-Consider Drinking Establishment application for transfer of address for El Maguey, 3727 Quail Ridge Dr. City Clerk Peters presented a Drinking Establishment license application for transfer of address for El Maguey, 3727 Quail Ridge Dr for Commission consideration. The State of Kansas transferred their current license to the new address. The only requirement outstanding for licensing in the City of Winfield is the inspection. Commissioner Thompson made a motion to approve the Drinking Establishment License application received from Francisco Ramirez, d/b/a/ El Maguey, for transfer of address from 1515 E 9<sup>th</sup> Ave to 3727 Quail Ridge Dr, pending successful inspection. Motion was seconded by Commissioner Jarvis. With all Commissioners voting aye, motion carried.

-Executive Session to Discuss Acquisition of Property. Commissioner Thompson made a motion to recess into Executive Session to discuss a potential real estate transaction pursuant to the preliminary discussion on the acquisition of property exception, K.S.A. 75-4319 (b)(6). The open meeting will reconvene in the Community Council Room at 5:45 p.m.

**ADJOURNMENT**

Upon motion by Commissioner Jarvis, seconded by Commissioner Thompson, all Commissioners voting aye, the meeting adjourned at 5:46 p.m.

Signed and sealed this \_\_\_ day of October 2019.

Signed and approved this 4<sup>th</sup> day of November 2019.

---

Brenda Peters, City Clerk

---

Ronald E. Hutto, Mayor

(First published in the Cowley Courier Traveler on Friday, November 8, 2019)

**BILL NO. 1979**

**ORDINANCE NO. 4119**

**AN ORDINANCE**

**AMENDING** Chapter 78, Article VIII, Section 78-524 and Section 78-525 of the Winfield City Code by striking Section 78-524 and Section 78-525 and adding a new Section 78-524 and Section 78-525.

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

**Section 1.** Current Section 78-524, Burning of Waste, shall be deleted and a new Section 78-524 shall be added as follows:

**Sec. 78-524. Burning of waste.**

No person shall burn, or cause to be burned, any solid waste, grass, leaves, or other refuse within the corporate limits of the city except in an approved incinerator as may be authorized by the fire chief, and except such burning as may be done by the city in the conduct of its affairs under an open burning permit issued by the state department of health and environment. A violation of this section shall not require the written notice or ten day waiting period set out in Section 78-522 herein.

**Section 2.** Current Section 78-525, Scavenging, shall be deleted and a new Section 78-525 shall be added as follows:

**Sec. 78-525. Scavenging.**

It shall be unlawful for any person to scavenge solid waste from any container, transporting vehicle, or disposal site within the city. A violation of this section shall not require the written notice or a ten day waiting period set out in Section 78-522 herein.

**Section 3.** This ordinance shall be in full force and effect on and after its passage and publication in the official city newspaper.

**ADOPTED** this 4<sup>th</sup> day of November, 2019.

**CITY OF WINFIELD, KANSAS**

By \_\_\_\_\_  
Ronald Hutto, Mayor

**ATTEST:**

\_\_\_\_\_  
Brenda Peters, City Clerk

Approved as to form: \_\_\_\_\_  
City Attorney

Approved for Commission action: \_\_\_\_\_  
City Manager

**BILL NO. 1980**

**ORDINANCE NO. 4120**

**AN ORDINANCE AUTHORIZING THE CITY OF WINFIELD, KANSAS, TO ENTER INTO A LEASE PURCHASE TRANSACTION, THE PROCEEDS OF WHICH WILL BE USED TO PAY THE COSTS OF ACQUIRING EMERGENCY MEDICAL SERVICES EQUIPMENT FOR USE IN THE CITY; AND TO APPROVE THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH.**

---

**WHEREAS**, under the constitution and statutes of the State of Kansas, particularly Article 12, § 5 of the Kansas Constitution and K.S.A. 12-101 *et seq.*, the City of Winfield, Kansas (the “City”) is empowered to enter into certain leases, lease purchase agreements and installment purchase agreements for the lease and/or acquisition of property; and

**WHEREAS**, K.S.A. 10-1116b provides in pertinent part that nothing in the provisions of K.S.A. 10-1101 *et seq.* shall prohibit a municipality from entering into a lease agreement, with or without an option to buy, or an installment-purchase agreement, if any of such agreements specifically state that the municipality is obligated only to pay periodic payments or monthly installments under the agreement as may lawfully be made from: (a) funds budgeted and appropriated for that purpose during such municipality's current budget year, or (b) funds made available from any lawfully operated revenue producing source; and

**WHEREAS**, the City has a need to acquire certain emergency medical services equipment, specifically including an Osage 2019 Ford F450 Type I Ambulance in the amount of \$198,900 (the “Equipment”) to be used in the City to further its governmental and public purpose as contemplated by law, but does not have sufficient moneys on hand legally available to purchase the Equipment for its use; and

**WHEREAS**, in order to facilitate the foregoing and to pay the cost thereof, it is necessary and desirable for the City to take the following actions:

1. Enter into an annually renewable lease purchase agreement (the “Agreement”) with the lessor named therein (the “Lessor”), pursuant to which the City will lease the Equipment on a year-to-year basis from the Lessor with an option to purchase the Lessor’s interest in the Equipment, a form of which has been submitted to the governing body for review.

2. Enter into an Escrow Agreement, if necessary (the “Escrow Agreement,” and collectively with the Agreement, the “City Documents”), between the Lessor, the City and the escrow agent named therein (the “Escrow Agent”), pursuant to which the proceeds of the Agreement will be deposited with the Escrow Agent and disbursed to pay the costs of acquiring the Equipment and related costs thereto.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WINFIELD, KANSAS, AS FOLLOWS:**

**Section 1. Authorization and Approval of the City Documents.**

(a) The City Documents are hereby approved in substantially the form submitted to and reviewed by the governing body on the date hereof, with such changes therein as shall be approved by the Mayor and City Attorney, the Mayor's execution of the City Documents to be conclusive evidence of such approval.

(b) The obligation of the City to pay lease payments under the Agreement and as set forth therein is subject to annual appropriation and shall constitute a current expense of the City and shall not in any way be construed to be an indebtedness or liability of the City in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness or liability by the City, nor shall anything contained in the Agreement constitute a pledge of the general tax revenues, funds or moneys of the City, and all provisions of the Agreement shall be construed so as to give effect to such intent.

(c) The Mayor is hereby authorized and directed to execute and deliver the City Documents on behalf of and as the act and deed of the City. The City Clerk is hereby authorized to affix the City's seal to the Agreement and attest said seal.

**Section 2. Further Authority.** The City shall, and the officials and agents of the City are hereby authorized and directed to, take such actions, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the City Documents, the other documents authorized or approved hereby, and the Equipment.

**Section 3. Reimbursement.** Pursuant to Treasury Regulation § 1.150-2, the proceeds of the Agreement may be used to reimburse expenditures made on or after the date which is 60 days before January 22, 2019, which is the date the City initially approved the acquisition of the Equipment.

**Section 4. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City and publication of the Ordinance or a summary thereof in the official City newspaper.

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

**PASSED** by the governing body of the City on November 4, 2019 and signed by the Mayor.

(SEAL)

---

Ronald E. Hutto, Mayor

ATTEST:

---

Brenda Peters, City Clerk

APPROVED AS TO FORM ONLY.

---

City Attorney

[BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK]

**A RESOLUTION**

**AUTHORIZING** the Mayor and the City Clerk of the City of Winfield, Kansas to terminate the Short Term Disability Benefit Plan per Resolution No. 10996 and therefore close out the Short Term Disability Fund and transfer the balance of said fund to the General Fund as of December 31, 2019.

**WHEREAS**, in 1996 a Short Term Disability Plan and Short Term Disability Fund was established and subsequent contributions were made thereto by the City; and,

**WHEREAS**, said Plan is now obsolete and employees are afforded other options for short term disability/accidental coverage; and

**WHEREAS**, the City has determined to terminate the Plan per Resolution No. 10996 and close out the Short Term Disability Fund and transfer the balance to the General Fund as of December 31, 2019; and,

**NOW, THEREFORE, 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 terminate the Short Term Disability Benefit Plan per Resolution No. 10996 and therefore close out the Short Term Disability Fund and transfer the balance of said fund to the General Fund as of December 31, 2019.

**Section 2.** This resolution shall be in full force and effect from and after its passage and adoption.

**ADOPTED** this 4<sup>th</sup> day of November 2019.

(SEAL)

\_\_\_\_\_  
Ronald E. Hutto, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Peters, City Clerk

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

Approved for Commission action: \_\_\_\_\_  
Taggart Wall, City Manager

City of Winfield

APPLICATION FOR TAX EXEMPTION  
by IMI Fluid Kinetics

Report of Administrative Review Committee

An application for exemption from ad valorem taxation has been received from IMI Fluid Kinetics. The applicant, an existing business in the city of Winfield, requests exemption of improvements completed in May 2017 at their manufacturing facility located at 1108 Industrial Rd. IMI Fluid Kinetics has hired six new employees and repurposed one existing employee during and since the completion of the improvements. The application requests exemption from January 1, 2019 through December 31, 2028 for the following:

Real Property- 13,000 sq ft building expansion, 2019 appraised value \$333,340

Personal Property-SMTCL VMC2100B CNC Vertical Machining Center, 2019 value \$244,170

\*The land and improvements are leased from Winfield Economic Development Inc., a 501(c)(6) community-based not-for-profit economic development corporation.

\*\*Per KSA 79-223 machinery/equipment are fully exempted, however, the exemption request must include at least one item acquired in association with the improvement of leased property and be under the same terms as the leased property.

The Administrative Review Committee believes that this investment into our community by IMI Fluid Kinetics exceeds any loss to the ad valorem tax base and recommends that they receive an exemption from ad valorem taxes for a term of ten (10) years for the improvements.



Ronald E. Hutto, Mayor



Taggart Wall, City Manager



Brenda Peters, City Clerk