

**CITY COMMISSION MEETING
Winfield, Kansas**

DATE: Monday, June 15, 2020
TIME: 5:30 p.m.
PLACE: City Commission – Community Council Room – First Floor – City Building

AGENDA

CALL TO ORDER.....Mayor Phillip R. Jarvis
ROLL CALL.....City Clerk, Brenda Peters
MINUTES OF PRECEDING MEETING.....Monday, June 01, 2020

BUSINESS FROM THE FLOOR

- Citizens to be heard

NEW BUSINESS

Ordinances & Resolutions

Bill No. 2034 – An Ordinance – Adopting an Ordinance regulating the sale of alcoholic liquor within the City of Winfield, Kansas, by repealing Section 6-194 and adopting a new Section 6-194, Article III, Chapter 6 of the Code of the City of Winfield, Kansas.

Bill No. 2035 – A Resolution – Authorizing and directing the Mayor of the City of Winfield, Kansas, to execute a Request to Exchange Federal Funds, between the City and the Secretary of the Kansas Department of Transportation, relating to making state funds available to the City in exchange for the City’s allotment of federal funds.

Bill No. 2036 – A Resolution – Authorizing and directing the Mayor and Clerk of the City of Winfield, Kansas, to execute a contract for Project No. 18-TD869 for Stonebrook Phase 1 Street Improvements between the City of Winfield, Kansas and APAC-Kansas, Inc., Shears Division.

OTHER BUSINESS

-Consider a Memorandum of Understanding between the City of Winfield and Cowley County regarding activation of outdoor warning sirens

ADJOURNMENT

-Budget Worksession 4:00 p.m. Thursday June 18, 2020
-Next Commission work session 4:00 p.m. Thursday, July 02, 2020.
-Next regular meeting 5:30 p.m. Monday, July 06, 2020.

CITY COMMISSION MEETING MINUTES
Winfield, Kansas
June 1, 2020

The Board of City Commissioners met in regular session, Monday, June 01, 2020 at 5:30 p.m. in the City Commission-Community Council Meeting Room, City Hall; Mayor Phillip R. Jarvis presiding. Commissioner Gregory N. Thompson was also present, Commissioner Ronald E. Hutto was present by "Go to Meeting". Also in attendance were Taggart Wall, City Manager, Brenda Peters, City Clerk and William E. Muret, City Attorney.

City Clerk Peters called roll.

Commissioner Thompson moved that the minutes of the May 18, 2020 meeting be approved. Commissioner Hutto seconded the motion. With all Commissioners voting aye, motion carried.

ADJOURNMENT

Upon motion by Commissioner Hutto, seconded by Commissioner Thompson, all Commissioners voting aye, the meeting adjourned at 5:33 p.m.

Signed and sealed this 4th day of June 2020.

Signed and approved this 15th day of June 2020.

Brenda Peters, City Clerk

Phillip R. Jarvis, Mayor

(First published in the Cowley Courier Traveler on Friday June 19, 2020)

BILL NO. 2034

ORDINANCE NO. 4127

AN ORDINANCE

ADOPTING An Ordinance regulating the sale of alcoholic liquor within the City of Winfield, Kansas, by repealing Section 6-194 and adopting a new Section 6-194, Article III, Chapter 6 of the Code of the City of Winfield, Kansas.

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

Section 1. A new Section 6-194, Division 3, Article III, Chapter 6 of the Code of the City of Winfield, Kansas, Alcohol—Hours of sale, mandatory closing, shall be adopted, striking the current Section 6-194, Division 3, Article III, Chapter 6 of the Code of the City of Winfield, Kansas, and shall read as follows:

Sec. 6-194. - Alcohol—Hours of sale, mandatory closing.

No person shall sell at retail any alcoholic liquor:

- (1) On Sunday before 12 noon or after 8 p.m.;
- (2) Easter Sunday, Thanksgiving Day or Christmas Day;
- (3) Before 9:00 a.m., or after 9:00 p.m. on any other day when the sale is permitted.

Section 2. This ordinance shall be published at least once each week for two consecutive weeks in the official City newspaper.

Section 3. This ordinance shall not become effective earlier than 60 days following the date of its publication or August 20, 2020, whichever is later, unless within the 60 days following publication of this ordinance, a petition requesting that a proposition be submitted by the voters is filed pursuant to K.S.A. 41-2911 (b)(l).

ADOPTED this 15th day of June, 2020.

CITY OF WINFIELD, KANSAS

By _____
Phillip R Jarvis, Mayor

ATTEST:

Brenda Peters, City Clerk

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

Approved for Commission action: _____
Taggart Wall, City Manager



May 26, 2020

Packaged Liquor Retail Stores
Winfield, Kansas

RE: Sunday Sales

Dear Business Owners:

As you know, earlier this spring, the Winfield City Commission discussed the possibility of allowing packaged liquor sales on Sundays. At that time, with respect of the outbreak of the Coronavirus, the governing body paused the conversation for approximately 60 days.

This week, I expect the governing body to again discuss this topic at their regular scheduled worksession on May 28th at 4:00p.m. in the Community Council Room at City Hall. If you have comment on the matter, you may attend in person or call into the meeting at from your computer, tablet or smartphone by using the link or phone number and access code below:

<https://www.gotomeet.me/WinfieldKansas>

United States (Toll Free): 1 866 899 4679

United States: +1 (786) 535-3119

Access Code: 969-810-229

Per K.S.A 41-712, I am enclosing a draft ordinance that would allow Sunday Sales from 12p.m. to 8p.m. with statutory closures for Thanksgiving, Christmas, and Easter.

Respectfully,

A handwritten signature in black ink that reads "Taggart Wall". The signature is written in a cursive style with a large, sweeping initial "T".

Taggart Wall
City Manager



Request for Commission Action

Date: June 8, 2020

Requestor: Patrick Steward, Dir. Of Public Improvements / City Engineer

Action Requested: Seeking approval of a request to exchange funds under the Federal Fund Exchange program with KDOT.

Analysis:

The requested action allows the City to request the exchange of federal funds for reimbursement of project expenditures at a rate of \$0.90 state funds/\$1.00 federal funds. The project expenditure for the request is for microseal improvements and ADA ramp improvements made earlier this spring.

Fiscal Impact: The funds reimburse the funds expended for local street project improvements. Under the current agreement, the City has available the exchange of \$257,053.73 in federal.

Attachments: Request to exchange funds.

A RESOLUTION

AUTHORIZING and directing the Mayor of the City of Winfield, Kansas, to execute a Request to Exchange Federal Funds, between the City and the Secretary of the Kansas Department of Transportation, relating to making state funds available to the City in exchange for the City’s allotment of federal funds.

WHEREAS, the Secretary has approved a program to exchange federal funds for state funds to be utilized on local projects; and

WHEREAS, the City desires to utilize these funds to enhance the local transportation network; and

WHEREAS, the amount of state funds provided by the Secretary will be calculated at an exchange rate of \$0.90 of state funds per dollar of federal funds; and

WHEREAS, state funds will be paid on a reimbursement basis as the City incurs costs on a project;

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

Section 1. The Mayor is authorized and directed to execute for and on behalf of the City of Winfield, Kansas, a Request to Exchange Federal Funds between the City and the Secretary of the Kansas Department of Transportation, to obtain for the City such funds as may be available to be utilized for the local transportation network.

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

ADOPTED this 15th day of June 2020.

(SEAL)

Phillip R. Jarvis, Mayor

ATTEST:

Brenda Peters, City Clerk

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

Approved for Commission action: _____
Taggart Wall, City Manager/ps



**REQUEST TO EXCHANGE FEDERAL FUNDS
under the Federal-Aid Fund Exchange Master Agreement**

City of Winfield

Federal Funds to Be Exchanged: \$257,053.73

Exchange Rate for 2020: \$0.90 State Funds/\$1.00 Federal Funds

The Secretary of Transportation is hereby requested to make available to the city/county State Funds in exchange for the city's/county's allotment of Federal Funds in the amount stated above. The Exchange will be made under the Terms and Conditions as set forth in the city/county's Federal Fund Exchange Master Agreement previously executed between the city/county and the Secretary. This request shall be attached to and become a part of the city/county's Federal Funds Exchange Agreement.

Contact Person: Patrick Steward Title: City Engineer

Address: 200 E 9th Ave., Winfield, Kansas 67156

Phone: 620-221-5520 Email: psteward@winfieldks.org

*Signature** *Date*

Typed or Printed Name

Title

**The representative signing this request must be authorized by law to bind the city/county to an agreement.*



Federal Fund Exchange Request for Reimbursement

City/County:

Date of Request:

Description of Work and Location:

Project Name:

Work begin date:

Work completed date:

The undersigned officer of the city/county states that (1) the following items, quantities and services of work have been completed and incorporated into the Project and (2) a warrant has been issued by the City/County for the expenses included in this request and the City/County is submitting the request for reimbursement for payment issued, and (3) the same have been approved and paid by the City/County. Therefore reimbursement is hereby requested to be paid in accordance with Federal Fund Exchange Agreement No.

Firm/Supplier	Invoice No.	Description of Services/Materials	Amount
Total amount request			

Print Name Patrick Steward

Signature

CITY OR COUNTY OFFICIAL

TITLE



Request for Commission Action

Date: June 8, 2020

Requestor: Patrick Steward, Dir. Of Public Improvements / City Engineer

Action Requested: Award of a contract for the construction of street improvements for Stonebrook Addition, Phase 1.

Analysis:

Bids were solicited for the construction of streets and drainage improvements for Stonebrook Addition, Phase 1. We only received one formal bid from APAC-Kansas. In the bid, the base bid was for an asphalt street with an alternate to construct a concrete street. We did receive a quote from another contractor after the bid that did allow us to at least have something to compare to. The one bid from APAC was \$143,615.75 which is over the engineer's estimate. However, the original estimate was created back in 2018.

Fiscal Impact: The cost of the improvements would be assessed as specials to provide funding for the project. The original petition for street improvements had a total probably cost of \$134,000 with 100% of the costs to the developer. In the petition, it provided for an inflation factor of 1%/month. The petition was approved in July 2018 which increases the permitted petition costs to be $124\% \times \$134,000 = \$166,160$. Engineering for the project was \$9600 therefore, the total cost of the improvements would remain on the developer.

Attachments: Proposed Resolution

A RESOLUTION

AUTHORIZING and directing the Mayor and Clerk of the City of Winfield, Kansas, to execute a contract for Project No. 18-TD869 for Stonebrook Phase 1 Street Improvements between the City of Winfield, Kansas and APAC-Kansas, Inc., Shears Division.

WHEREAS, bids for the street improvements were requested and accepted; and,

WHEREAS, APAC-Wichita, Inc., Shears Division, Wichita, Kansas, submitted the apparent lowest bid;

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 execute a contract for the amount of one hundred forty three thousand six hundred fifteen dollars and seventy-five cents (\$143,617.75) for 18-TD869 for Stonebrook Phase 1 Street Improvements between the City of Winfield, Kansas and APAC-Kansas, Inc., Shears Division, a copy of which is attached hereto and made a part hereof the same as if fully set forth herein.

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

ADOPTED this 15th day of June, 2020.

(SEAL)

Phillip R. Jarvis, Mayor

ATTEST:

Brenda Peters, City Clerk

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

Approved for Commission action: _____
Taggart Wall, City Manager/ps

**MEMORANDUM OF UNDERSTANDING
BETWEEN COWLEY COUNTY, KANSAS
AND CITY OF WINFIELD (COWLEY COUNTY, KANSAS)**

Activation of Outdoor Warning Sirens

This Memorandum of Understanding (MOU) is entered into this 19th day of May, 2020 by and between Cowley County, Kansas delegated to Emergency Management ("County") and the City of Winfield ("City") for the purpose of activation of the City's outdoor warning sirens (aka tornado sirens).

WHEREAS, the City is the sole owner of the outdoor warning sirens located inside the city limits of Winfield the Winfield City Lake (Cowley County, KS).

WHEREAS, the City recognizes that an outdoor warning siren is one method of emergency notification of incoming severe weather, generally a tornado. The City does not have the technical or operational ability to activate the sirens when necessary. The County has that ability and the equipment to activate the sirens on the City's behalf.

WHEREAS, the City hereby grants all authority for activation of their sirens to the County per the siren activation Standard Operating Guideline (SOG). The SOG outlines the criteria used and actions taken when activating the sirens for severe weather situations and regular testing.

WHEREAS, maintenance and repairs of the sirens, poles and all associated controls are ultimately the responsibility of the City. If a siren does not activate properly during a real event or a test, the County will take the initial step in troubleshooting. Those steps could include, but not limited to, checking radio/antenna connections, breakers, or fuses. This step may include working with the City of Winfield Electrical Department. If the problem is beyond the scope of what can be fixed locally, the County will contact the City, and with their concurrence, schedule a verified vendor to do a more detailed inspection and facilitate any necessary repairs.

WHEREAS, the County and City are entering into this Memorandum of Understanding to ensure the most effective use of the siren to notify residents of severe weather.

WHEREAS, K.S.A. 12-2908 and amendments thereto authorize the parties hereto to cooperate in making the aforesaid agreement.

NOW, THEREFORE, and in consideration of the above and foregoing recitals, the mutual promises and covenants hereinafter contained, and for good and valuable consideration, the parties agree as follows:

Article I – Purpose

1. The purpose of this agreement is to establish cooperation between the County and the City for activation of the City's outdoor warning sirens in the interest of public safety.

Article II – Description of Property/Ownership of Facilities and Equipment

1. The City shall maintain ownership of the sirens; poles and all associated and attached control boxes, contents, cables and antennas. No provision of this agreement shall be construed to create any type of joint ownership in any property, any partnership or joint venture, or create any other rights or liabilities except as expressly set forth herein.

Article III – Duration

1. Should expansion of an existing City system or relocation of an individual siren(s) be required to provide coverage and accessibility in Winfield or Winfield City Lake limits, the City will coordinate said expansion or relocation with the County, as well as, said expansion or relocation will be covered under the terms and conditions of this agreement.
2. Either party may choose to be removed from this agreement by giving the other party notice of at least ninety (90) days in writing.

Article IV – Financing

1. The City is solely responsible for costs associated to any maintenance, repairs, and upkeep. The County maintains a regular relationship with vendors that can perform maintenance and repairs on the City's siren. Upon concurrence from City, the County will facilitate regular maintenance or repairs as needed.

Article V – Insurance and Indemnification

1. To the fullest extent permitted by law, the City shall indemnify and hold the County harmless and its agents, officials and employees, from liabilities, damages, losses and costs including but not limited to reasonable attorney's fees, to the extent caused by the negligence, omission, or wrongful conduct of the City, its agents, officials and employees and other persons employed or utilized by the City in the performance of the agreed upon services.
2. To the fullest extent permitted by law, the County shall indemnify and hold the City harmless and its agents, officials and employees, from liabilities, damages, losses and costs including but not limited to reasonable attorney's fees, to the extent caused by the negligence, omission, or wrongful conduct of the County, its agents, officials and employees and other persons employed or utilized by the County in the performance of the agreed upon services.

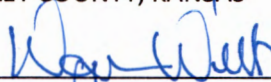
Article VI – Modifications

1. The parties agree these writings represent the total agreement between the County and the City for the activation of the City's outdoor warning sirens. Any additions or modifications to this agreement must be evidenced in writing and signed by both parties.


Article VII – Applicable Law

1. The County and the City hereby agree that this agreement shall be governed by and interpreted according to the laws of the State of Kansas.
2. Should any provision of this agreement for any reason be deemed or ruled illegal, invalid, or unconstitutional by any court of competent jurisdiction, no other provision of this agreement shall be affected and this agreement shall then be construed and enforced as if such illegal, invalid, or unconstitutional provision had not be contained herein.

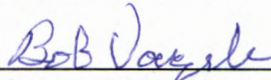
BOARD OF COMMISSIONERS OF
COWLEY COUNTY, KANSAS




Wayne Wilt, Chairman



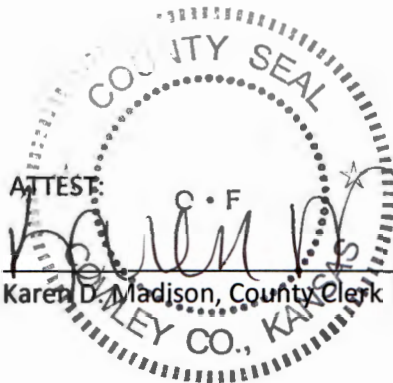
Alan Groom, Vice Chairman



Bob Voegele, Member

ATTEST
C.F.


Karen D. Madison, County Clerk



COWLEY COUNTY SEAL
COWLEY CO., KANSAS

CITY OF WINFIELD, KANSAS

Phillip R. Jarvis, Mayor