

**CITY COMMISSION MEETING
Winfield, Kansas**

DATE: Tuesday, September 08, 2020
TIME: 5:30 p.m.
PLACE: City Commission – Community Council Room – First Floor – City Building

AGENDA

CALL TO ORDERMayor Phillip R. Jarvis
ROLL CALLCity Clerk, Brenda Peters
MINUTES OF PRECEDING MEETING.....Monday, August 17, 2020

OATH OF OFFICE

-William Wollard
-Brennon Marcotte

PRESENTATION

-Mini MPA presentation to Danielle Fullhart

PROCLAMATION

-Proclaiming the week of September 13, 2020 as Direct Support Professional Recognition Week
-Acknowledge Tabatha Rosproy as the 2020 National Teacher of the Year

BUSINESS FROM THE FLOOR

-Citizens to be heard

NEW BUSINESS

Ordinances & Resolutions

Bill No. 2059 – An Ordinance – Approving the form of and authorizing the execution of an Interlocal Cooperation Agreement respecting the financing of the acquisition of certain real property at Strother Field Airport/Industrial Park.

Bill No. 2060 – An Ordinance – Annexing certain land into the corporate limits of the City of Winfield, Cowley County, Kansas, pursuant to K.S.A. 12-520 (a)(7).

Bill No. 2061 – A Resolution – Authorizing an Outdoor Community Event and Temporary Entertainment District Application (Winfield Arts and Humanities Council)

OTHER BUSINESS

-Consider Hydrogen Control System Replacement at the 12th Avenue Power Plant
-Consider Server Replacement Project

ADJOURNMENT

-Next Commission work session 4:00 Thursday, September 17, 2020.
-Next regular meeting 5:30 p.m. Monday, September 21, 2020.

CITY COMMISSION MEETING MINUTES
Winfield, Kansas
August 17, 2020

The Board of City Commissioners met in regular session, Monday, August 17, 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 and 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. Other staff members present were Gary Mangus, Assistant to the City Manager; Patrick Steward, Director of Public Improvements; Robbie DeLong; Police Chief; and Gus Collins, Director of Utilities.

Commissioner Thompson moved that the minutes of the August 3, 2020 meeting be approved. Commissioner Hutto seconded the motion. With all Commissioners voting aye, motion carried.

BUSINESS FROM THE FLOOR

- Michael Kelley, 2909 Cabrillo Dr, spoke regarding face coverings.
- Dana Hale, 1815 E 15th Ave, spoke regarding face coverings.
- Brad McGaughey, 212 Massachusetts, spoke regarding face coverings.

NEW BUSINESS

Bill No. 2047 – A Resolution – Authorizing the offering for sale of Taxable General Obligation Bonds, Series 2020-a, of the City of Winfield, Kansas. Dave Arteberry, with Stifel Nicolaus present by "Go to Meeting", explained the benefits of private placement of bonds, and explained the process that the City will be going through for the sale of the bonds, and the timeline for the sale. Upon motion by Commissioner Hutto, seconded by Commissioner Thompson, all Commissioners voting aye, Bill No. 2047 was adopted and numbered Resolution No. 3820.

Bill No. 2048 – An Ordinance – Relating to and providing an amount of ad valorem tax to be levied as provided for under K.S.A. 79-1801 et seq. for the purpose of raising revenue for the General Fund, Bond & Interest Fund, Library Fund, Special Liability Fund, and the Industrial Development Fund. City Manager Wall explains that this Ordinance levies the taxes to support the 2021 Budget, and that there is a total ad valorem tax of \$3,908,676. Upon motion by Commissioner Thompson, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 2048 was adopted and numbered Ordinance No. 4132.

Bill No. 2049 – An Ordinance – Adopting an annual budget of the City of Winfield, Kansas, for the year ending December 31, 2021, and providing for expenditures not to exceed amounts stated herein. City Manager Wall explains that this Ordinance adopts the 2021 Budget. Upon motion by Commissioner Hutto, seconded by Commissioner Thompson, all Commissioners voting aye, Bill No. 2049 was adopted and numbered Ordinance No. 4133.

Bill No. 2050 – An Ordinance – Granting Gridliance High Plains LLC, a franchise for non-exclusive use of the public rights-of-way within the City of Winfield, Kansas to provide electric transmission service within the city. Director of Utilities Collins explains this Ordinance will complete the franchise agreement with Gridliance. Upon motion by Commissioner Thompson,

seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 2050 was adopted and numbered Ordinance No. 4134.

Bill No. 2051 – An Ordinance – Granting to USCOC Nebraska/Kansas, LLC, (USCOC), its successors and assigns, a Telecommunications Franchise and prescribing the terms of said grant and relating thereto. Director of Public Improvements Steward explains that this Ordinance approves a franchise agreement that specifies the responsibilities of the vendor for operating and maintaining their infrastructure. Upon motion by Commissioner Thompson, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 2051 was adopted and numbered Ordinance No. 4135.

Bill No. 2052 – A Resolution – Authorizing and directing the Mayor and Clerk of the City of Winfield, Kansas, to execute a an agreement by and between the City of Winfield, Kansas, and USCOC Nebraska/Kansas, LLC (“USCOC”) for joint use of poles associated with the City of Winfield’s electric distribution and transmission systems. Director of Public Improvements Steward explains that this agreement would cover any poles that USCOC connects to, and the fees associated with the agreement. Upon motion by Commissioner Thompson, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 2052 was adopted and numbered Resolution No. 3920.

Bill No. 2053 – A Resolution – Requesting the board of County Commissioners of Cowley County make a finding to determine that the annexation of land will not hinder or prevent the proper growth and development of the area or that of another incorporated city located in the County. City Manager Wall explains that this Resolution would request the board of County Commissioners of Cowley County to allow an annexation of 87 acres south of Winfield. Upon motion by Commissioner Hutto, seconded by Commissioner Thompson, all Commissioners voting aye, Bill No. 2053 was adopted and numbered Resolution No. 4020.

Bill No. 2054 – A Resolution – Authorizing and directing the City Manager of the City of Winfield, Kansas to execute a Farm Lease Agreement between the City of Winfield, Cowley County, Kansas and Charles Pilkington for property located at Highway 77 and Country Club Road (71st Road). City Manager Wall explains that this Resolution authorizes a farm lease agreement with Charles Pilkington who is the current tenant farmer for this property. Upon motion by Commissioner Thompson, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 2054 was adopted and numbered Resolution No. 4120.

Bill No. 2055 – A Resolution – Authorizing the granting and 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 in the East half of Section 33, Township 32 South, Range 4 East of the 6th Principal Meridian, Cowley County, Kansas. (City of Winfield) Director of Utilities Collins explains that the next three Bills are for easements for the river crossings on conjunction with Gridliance for the upcoming transmission project south of the City. Upon motion by Commissioner Thompson, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 2055 was adopted and numbered Resolution No. 4220.

Bill No. 2056 – A Resolution – Authorizing the granting and 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 in the East half of Section 33, Township 32 South, Range 4 East of the 6th Principal Meridian, Cowley

County, Kansas. Upon motion by Commissioner Thompson, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 2056 was adopted and numbered Resolution No. 4320.

Bill No. 2057 – 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 as described as the East 70 feet of the South 1280.35 feet of the Southeast Quarter of Section 33, Township 32 South, Range 4 East of the 6th P.M., less existing county road right-of-way. Upon motion by Commissioner Hutto, seconded by Commissioner Thompson, all Commissioners voting aye, Bill No. 2057 was adopted and numbered Resolution No. 4420.

Bill No. 2058 – A Resolution – Authorizing the Mayor and City Clerk of the City of Winfield, Kansas, to execute a Quit Claim Deed between the City of Winfield, Kansas, and Scott McNown and Andrea McNown regarding the transfer of real property as listed in Section 1 of this resolution. City Manager Wall explains that this Resolution authorizes the Mayor to execute a deed which completes the previous actions in relation to the upcoming transmission project. Upon motion by Commissioner Thompson, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 2058 was adopted and numbered Resolution No. 4520.

OTHER BUSINESS

-Consider date for review of Ordinance No. 4128 regarding face coverings. Mayor Jarvis explains that there was a discussion at work session, including all the City Commissioners and Tom Langer, Director of Cowley County Health Department. Work session discussion was to keep the Ordinance in effect, and review it again on October 1, 2020. Commissioner Thompson moved to review Ordinance No. 4128 regarding face coverings on October 1, 2020. Motion was seconded by Commissioner Hutto, all Commissioners voting aye, motion carried.

ADJOURNMENT

Upon motion by Commissioner Thompson, seconded by Commissioner Hutto, all Commissioners voting aye, the meeting adjourned at 6:06 p.m.

Signed and sealed this 27th day of August 2020.

Signed and approved this 8th day of September 2020.

Brenda Peters, City Clerk

Phillip R. Jarvis, Mayor

PROCLAMATION

WHEREAS, the week of September 13, 2020, has been designated as “National Direct Support Professional Recognition Week” in order to celebrate and recognize professionals who provide support to millions of individuals with intellectual and developmental disabilities; and

WHEREAS, this celebration recognizes the dedication and vital role of direct support professionals in enhancing the lives and protecting the well-being of individuals with disabilities of all ages; and

WHEREAS, the community plays a role in lifting up direct support professionals as integral in supporting the needs of people with disabilities and their families through service systems across the United States; and

WHEREAS, the goals of this city properly give recognition to those who directly help people with disabilities gain full access to housing, employment and the recreation activities which help create productive and satisfying lives, and to live as

NOW, THEREFORE, I, Phillip R. Jarvis, Mayor of the City of Winfield, Kansas, do hereby proclaim the week of September 13, 2020, as:

National Direct Support Professional Recognition Week

in the City of Winfield and call upon the citizens of Winfield to observe the week with appropriate programs and activities. Furthermore, I encourage the citizens of Winfield to seek information from those organizations with expertise in matters concerning professionals who support individuals with intellectual and developmental disabilities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Winfield, Kansas, to be affixed this 17th day of August 2020.

Phillip R. Jarvis, Mayor

ATTEST:

Brenda Peters, City Clerk

PROCLAMATION
2020 NATIONAL TEACHER OF THE YEAR

WHEREAS, Tabatha Rosproy is a ten-year veteran Kansas early childhood teacher in the Winfield Unified School District No. 465; and

WHEREAS, Tabatha Rosproy is a classroom teacher, respected by both the school community and her peers alike and in 2019 was recognized as the USD 465 and State of Kansas as the Teacher of the Year; and

WHEREAS, in 2020, Tabatha Rosproy was named 2020 National Teacher of the Year; and

WHEREAS, Tabatha Rosproy has spent endless hours in and out of the classroom teaching students and empowering them to be great contributors to society; she has set an example for teachers across the country on methods of teaching; and

WHEREAS, Tabatha Rosproy brings a voice to the important role early childhood education plays in our society and to highlight the value of social-emotional education at all age levels; and

WHEREAS, the "National Teacher of the Year" award provides a singular role for Tabatha Rosproy who has demonstrated an exceptional commitment to students and the profession. The National Teacher of the Year is a consummate public speaker, addressing audiences of all sizes as well as speaking with the media. As an ambassador of the educator community at large, Tabatha Rosproy works with organizations, students, lawmakers and executives

NOW THEREFORE, I, Phil Jarvis, Mayor of the City of Winfield do hereby acknowledge Tabatha Rosproy as the 2020 National Teacher of the Year and encourage all its citizens to congratulate Tabatha on the accomplishments as one of the country's finest educators.

So proclaimed this 8th Day of September, 2020

Phillip R. Jarvis, Mayor

ATTEST:

Brenda Peters, City Clerk

BILL NO. 2059

ORDINANCE NO. 4136

AN ORDINANCE APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT RESPECTING THE FINANCING OF THE ACQUISITION OF CERTAIN REAL PROPERTY AT STROTHER FIELD AIRPORT/INDUSTRIAL PARK.

WHEREAS, K.S.A. 12-2901 *et seq.* (the “Act”) provides that in order for public agencies to make the most efficient use of their powers, such public agencies may cooperate with other public agencies on a basis of mutual advantage to provide services and facilities in a manner that will best accord with geographic, economic and other factors influencing the needs and development of such public agencies; and

WHEREAS, the Act authorizes public agencies to enter into interlocal agreements with one or more other public agencies for joint or cooperative action pursuant to the provisions of the Act; and

WHEREAS, the City of Winfield, Kansas (the “City”) and the City of Arkansas City, Kansas (“Arkansas City”) have heretofore entered into an interlocal agreement pursuant to the Act to provide for the management and operation of the Strother Field Airport/Industrial Park, which such cities jointly own as tenants in common, and to provide for the creation of the Strother Field Commission, a separate legal entity and body corporate and politic, to which such cities have delegated operation and management responsibilities respecting the Strother Field Airport/Industrial Park; and

WHEREAS, the City is a public agency within the State of Kansas and, pursuant to the Act, it is necessary and advisable to enter into an interlocal agreement with Arkansas City and the Strother Field Commission, other public agencies of the State of Kansas, to jointly provide for certain matters respecting the acquisition of certain real property and the building thereon located at the Strother Field Airport/Industrial Park (the “Project”) for use by the cities and the Strother Field Commission and the financing and payment of the costs thereof.

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

SECTION 1. The City is hereby authorized to enter into an “INTERLOCAL COOPERATION AGREEMENT RESPECTING THE ACQUISITION OF CERTAIN REAL PROPERTY AT STROTHER FIELD AIRPORT/INDUSTRIAL PARK AND THE FINANCING THEREOF” (the “Agreement”) with Arkansas City and the Strother Field Commission to jointly provide for certain matters respecting the Project and the financing and payment of the costs thereof. The form of the Agreement presented to the governing body of the City this date is hereby approved, and the Mayor and Clerk are hereby authorized to execute the Agreement in that form, with ministerial changes as may be approved by the Mayor, whose execution of the Agreement shall evidence any such approval.

SECTION 2. This Ordinance shall take effect and be in full force from and after its passage by the governing body and publication of the Ordinance or a summary thereof in the official City newspaper.

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PASSED by the City Commission on September 8, 2020 and **SIGNED** by the Mayor.

(SEAL)

Phillip R. Jarvis, Mayor

ATTEST:

Brenda Peters, City Clerk

APPROVED AS TO FORM ONLY

City Attorney

**INTERLOCAL COOPERATION AGREEMENT RESPECTING THE ACQUISITION OF
CERTAIN REAL PROPERTY AT STROTHER FIELD AIRPORT/INDUSTRIAL PARK AND
THE FINANCING THEREOF**

This Interlocal Agreement, made pursuant to the statutory provisions of K.S.A. 12-2901 *et seq.*, and all acts amendatory thereof or supplemental thereto (the “Act”), is entered into as of [Effective Date], by and between:

The City of Arkansas City, Kansas

herein referred to as “Arkansas City,” and

The City of Winfield, Kansas

herein referred to as “Winfield,” and

The Strother Field Commission

herein referred to as the “Strother Field Commission”

WHEREAS, Winfield and Arkansas City own, as tenants in common, certain real estate in Cowley County, Kansas, and Sumner County, Kansas, which is described as follows (the “Strother Field Airport/Industrial Park”): Strother Field in Cowley County, Kansas consisting of approximately 1,440 acres; and

WHEREAS, Arkansas City and Winfield have heretofore entered into an interlocal agreement pursuant to the Act, dated September 19, 1966, respecting the management and operation of Strother Field Airport/Industrial Park for the mutual benefit, protection, advantage and economic development of Arkansas City and Winfield, and pursuant to that agreement have established a separate legal entity and body corporate and politic known as the “Strother Field Commission” and prescribed that such entity be responsible for such management and operation; and

WHEREAS, it is necessary and advisable to acquire certain real property and the building thereon located at the Strother Field Airport/Industrial Park for use by the cities and the Strother Field Commission at an estimated cost of approximately \$1,300,000 (the “Project”); and

WHEREAS, it is necessary and advisable that the costs of the Project be financed and paid through the issuance of general obligation bonds by Winfield (the “Bonds”); and

WHEREAS, the Project will benefit all parties to this Agreement and it is necessary and advisable to prescribe the manner in which each of the parties will share and contribute to the payment of the Bonds issued to finance the Project.

NOW, THEREFORE, IN CONSIDERATION OF THE AFORESTATED PREMISES and the mutual benefits to the participants which shall accrue by virtue of this Agreement, the parties hereto covenant and agree:

Section 1. Obligations of Strother Field Commission. Strother Field Commission shall be fully responsible for all amounts necessary to pay the principal of and interest on the Bonds (the “Debt

Service Requirements”) as the same become due. Upon the sale and delivery of the Bonds, Winfield shall provide to Strother Field Commission and Arkansas City a debt service schedule (the “Debt Service Schedule”) setting forth the amounts of the Debt Service Requirements due on the Bonds and the dates on which such amounts are due (the “Bond Payment Dates”). Strother Field Commission shall remit full payment for its obligations hereunder to Winfield, with such amounts being received by Winfield not less than 30 days prior to the respective Bond Payment Date, as shown by the Debt Service Schedule. If the Strother Field Commission fails to satisfy its payment obligations hereunder, Arkansas City and Winfield may exercise any remedy then available at law or in equity.

Section 2. Allocation of Costs between Arkansas City and Winfield. If the Strother Field Commission does not for any reason satisfy its payment obligations prescribed in the preceding **Section 1**, Arkansas City and Winfield shall each be responsible for paying one-half of the Debt Service Requirement as the same become due. If payment from the Strother Field Commission is not received by Winfield as prescribed in the preceding **Section 1**, Winfield will promptly give notice thereof to Arkansas City and Arkansas City shall, within 10 days of receipt of such notice, remit to Winfield payment for one-half of the amount of the Debt Service Requirement due on the Bonds, for which payment from the Strother Field Commission was not remitted. The parties hereto acknowledge that the obligations of Arkansas City under this Agreement are subject to K.S.A. 10-1101 *et seq.* and as such Arkansas City is obligated hereunder only to the extent that it has funds actually on hand in its treasury at the time for such purpose.

Section 3. Acquiring, Holding, Disposing of Property. Winfield and Arkansas City, as tenants in common, are authorized to acquire, own, and hold property for the use and benefit of the Strother Field Commission. The Strother Field Commission shall enforce the performance of all contracts and work, and have charge and custody of all the property, assets, books, and records belonging to the Strother Field Airport/Industrial Park; providing that nothing herein shall be construed to authorize a sale of Strother Field Airport/Industrial Park properties without an affirmative vote of the governing body of both cities as provided by law; but said Strother Field Commission may provide for the sale or other disposition of any useless, worn-out, obsolete, or surplus supplies, equipment, or structures not then useful in the operation of the Strother Field Airport/Industrial Park.

Section 4. Term and Termination. This Agreement shall remain in full force and effect until the Bonds issued by Winfield (for a primary term of ten (10) years) mature and are paid, unless earlier terminated by consent of Winfield, Arkansas City and Strother Field Commission. Notwithstanding any termination of this Agreement, the obligations of the parties with respect to the Bonds shall continue until the Bonds and interest thereon are paid in full and retired. Upon termination as herein set forth, the manager of the Strother Field Airport/Industrial Park shall, with assistance of authorized auditors, account to Winfield and Arkansas City as tenants in common.

Section 5. Administration. Winfield shall be responsible for administering the undertaking set forth in this Agreement.

Section 6. Provisions. This Agreement shall be in full force and effect upon execution by the parties hereto. If one or more provisions of this Agreement are hereafter found void or unenforceable as contrary to the law, the remaining provisions shall nevertheless remain in full force and effect and only such provisions as are specifically found invalid shall be null and without effect.

THIS AGREEMENT is authorized by K.S.A. 12-2901 *et seq.* as each of the contracting parties hereto are public agencies as described therein.

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IN WITNESS WHEREOF, the above and foregoing Agreement is hereby executed by the parties hereto on the day and year first above appearing.

CITY OF ARKANSAS CITY, KANSAS

(Seal)

Mayor

ATTEST:

Clerk

CITY OF WINFIELD, KANSAS

(Seal)

Mayor

ATTEST:

Clerk

STROTHER FIELD COMMISSION

(Seal)

Chairman

ATTEST:

Secretary

BILL NO. 2060

ORDINANCE NO. 4137

AN ORDINANCE

ANNEXING certain land into the corporate limits of the City of Winfield, Cowley County, Kansas, pursuant to K.S.A. 12-520 (a)(7).

WHEREAS, the City of Winfield owns a tract of land wholly within Cowley County, Kansas and;

WHEREAS, the City of Winfield, has filed a Petition for Annexation with the City of Winfield, Cowley County, Kansas, and;

WHEREAS, the Cowley County Board of Commissioners has determined the annexation of land will not hinder or prevent the proper growth and development of the area or that of another incorporated city located within the County.

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

Section 1. Pursuant to K.S.A. 12-520 (a)(7), the following legally described land is hereby annexed and incorporated into the City of Winfield, Cowley County, Kansas, to-wit:

North Half of the Northwest Quarter and Southwest Quarter of the Northwest Quarter, all in Section 8, Township 33 South, Range 4 East of the 6th P.M., EXCEPT tract deeded to State of Kansas for limited access highway purposes by deed recorded in Book 265, at Page 331 in the office of the Register of Deeds, Cowley County, Kansas.

Section 2. The Clerk of the City of Winfield, Cowley County, Kansas, is hereby authorized and directed to file a certified copy of this ordinance with the Register of Deeds for Cowley County, Kansas.

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

ADOPTED this 8th day of September 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 for Commission Action

Date: September 2, 2020

Requestor: Gary Mangus, Assistant to the City Manager

A handwritten signature in dark ink, appearing to read "GM", is positioned to the right of the Requestor's name.

Action Requested: September 8, 2020 Commission Agenda-Resolution authorizing an Outdoor Community Event and Temporary Entertainment District Application (TED), Winfield Arts & Humanities.

Analysis: The 2020 Art in the Park OCE/TED application by Winfield Arts & Humanities requests that Kansas farm winery licensees, again, be authorized to serve samples free of charge and sell unopened containers of their domestic wines during Art in the Park, a special event, from 10:00 am to 5:00 pm, on October 3, 2020, in Rotary Pavilion within Island Park.

A Kansas farm winery licensee may serve samples free of charge and sell unopened containers of its domestic wine off the farm winery premises at "special events monitored and regulated by the division of ABC" [Subsection (a)(4) of K.S.A. 41-308a]. The farm winery licensee must complete and submit form ABC-842 not less than 10 days prior to the event. A separate Temporary Alcohol Permit is not required of Winfield Arts and Humanities Council or the Kansas farm winery licensees.

Fiscal Impact:

Attachments: OCE/TED application, Proposed TED Resolution

A RESOLUTION

AUTHORIZING an Outdoor Community Event and Temporary Entertainment District Application (Winfield Arts and Humanities Council)

WHEREAS, Winfield Arts and Humanities Council has made application for an Outdoor Community Event and Temporary Entertainment District; and

WHEREAS, Winfield Arts and Humanities Council requests that Kansas farm winery licensees be authorized to serve samples free of charge and sell unopened containers of their domestic wines during Art in the Park, a special event, from 10:00 am to 5:00 pm, on October 3, 2020, in a designated area within Island Park, 200 Main Street.

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

Section 1. Within Section 6-120 of Article IV of Section 6 of the Code of the City of Winfield, Kansas, "Temporary Entertainment District" means a defined area, which includes City streets, alleys, parking lots and public sidewalks on which the City Commission has authorized the sale, possession or consumption of alcoholic liquor or cereal malt beverage for a specified period of time, during Art in the Park, a special event, which has been properly permitted under Chapter 8 of this Code.

Section 2. A Special Event is defined by K.S.A. 41.719(a)(2). Alcoholic liquor may be consumed at a special event held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A. 41-2645 for such special event. Such special event must be approved, by ordinance or resolution, by the local governing body of any city, county or township where such special event is being held. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any such special event.

Section 3. A Kansas farm winery licensee may serve samples free of charge and sell unopened containers of its domestic wine off the farm winery premises at "special events monitored and regulated by the division of ABC" [Subsection (a)(4) of K.S.A. 41-308a]. "Special Event" is defined as a public or private gathering of two or more persons, arranged for a specific commercial, charitable or social purpose, having a limited duration and not conducted in the ordinary course of business. "Monitored and regulated" is not defined. The ABC therefore construes the term to require the Director's permission before a farm winery licensee may

participate in special event. The farm winery licensee shall complete and submit form ABC-842 not less than 10 days prior to the event. No special event can be held on a premise that possesses a private club liquor license or cereal malt beverage license; or, in a location where liquor by the drink or retail sales are not authorized. A separate Temporary Alcohol Permit is not required of Winfield Arts and Humanities Council or Kansas farm winery licensees.

Section 4. The governing body of the city of Winfield Kansas hereby authorizes the Outdoor Community Event and Temporary Entertainment District Application, in accordance with the rules and procedures set forth by Article IV of Section 6 of the Code of the City of Winfield, Kansas, regarding the sale, possession or consumption of alcoholic liquor as presented by the Winfield Arts and Humanities Council for an event from 10:00 am to 5:00 pm, on October 3, 2020, in a designated area within Island Park, 200 Main, as identified in the Outdoor Community Event and Temporary Entertainment District Application; a copy of which is attached hereto and made a part hereof.

Section 5. This resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 8th day of September 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



Outdoor Community Event and Temporary Entertainment District Application

2020

Applications and any applicable fees must be submitted to:
Winfield City Clerk | 200 E. 9th Avenue | Winfield, KS 67156
620-221-5500 or (Fax) 620-221-5593 or cityclerk@winfieldks.org

Complete Outdoor Community Event Applications must be submitted at least 30 days prior to the proposed date of the event

The City of Winfield defines an Outdoor Community Event as follows:

Outdoor event on public property organized for a particular and limited purpose and time. Such events shall include, but not be limited to: fun runs, roadway foot races, fundraising walks, bikeathons, motor vehicle events, bike races, carnivals, festivals, cookouts, block parties, community celebrations, shows, exhibitions, circuses, fairs and temporary entertainment districts. Such term shall also include parades when held in conjunction with a community event as defined by this section, which event is sponsored or conducted by the same applicant. Such term shall not include events occurring solely on sidewalks or public rights of way immediately adjacent to public streets that do not require the closing of the sidewalk or public way.

The City of Winfield defines a Temporary Entertainment District as follows:

A defined area, which includes City streets, alleys, parking lots and public sidewalks on which the City Commission has authorized the sale, possession or consumption of alcoholic liquor or cereal malt beverage for a specified period of time, during a Community Event which has been properly permitted.

General Information:

It is the purpose of this application to establish a process for permitting community events to use City streets, sidewalks, parks and alleys. It is unlawful for any person to conduct a community event without a community event permit. Any information required by the application must be complete upon submittal. Incomplete applications may be denied. The City of Winfield may refuse any application received less than 30 days before the event or lacking requested information. When received, an application is subject to approval of all departments involved and will be required to provide the following:

- The Winfield Police Department, the Winfield Fire Department and authorized representatives of such departments shall be responsible for the enforcement of all provisions of this application.
- No fee shall be charged for the application or permit for a Community Event itself.
- The issuance of a Community Event permit shall not negate the responsibility of the permit holder to acquire all other necessary and applicable licenses or permits which may be required for the event or pay any additional fees.
- Street closure request made to the City of Winfield.
- Certificate of Liability Insurance naming the City of Winfield as additionally insured, if applicable.
- Security requirements including hiring of certified law enforcement officers.
- All Food/Beverage/Concessionaire/Amusement vendors list including contact person, contact information, and permits/licenses, as necessary.
- Outdoor Community Events shall cease between the hours of 11:00 p.m. and 8:00 a.m., Sunday through Thursday and midnight to 8:00 a.m. on Friday and Saturday.
- A detailed Security Plan will be required and approved by Winfield Chief of Police. Extraordinary Police/Fire services will be billed directly to the permit holder and will be the permit holder's responsibility.

Outdoor Community Event
and
Temporary Entertainment District Application

Applicant information:

Application
Date :

9/2/2020

Event Title:

Winfield Art in the Park

Type of Event:
(drop down
box)

Other

Fine Arts Festival

Event Date:

PM Oct 2, 2020 all day Oct 3, 2020

Event Time:

10:00 - 5: PM Oct 3, 2020

Event Address
for Permit:

Winfield Arts & Humanities Council, 700 Gary St, Winfield KS 67156

Public Property
needed:

Island Park, Winfield, KS

Site Plan (required):

14 fresh containers w/ liners
4 barricades (entrance, north corner etc.)

4 dumpsters
RR grade for 3600

Site plan defines the placement of fencing, tables, water supply, toilet/lavatory facilities, lighting, stages, temporary power needs, parking plans, sound plan, temporary seating, tents or canopies, amusement or inflatable rides, barricade type/location, enter/exit locations, trash, signage, all streets being closed, etc.

Parade or motor events require a map or diagram of the route to be traveled w/ starting and ending points identified; use of all or a portion of the street; approximate number, type, and description of persons, animals, and vehicles, as well as information above;

Applicant
Name:

Cheri Kindt-Gonzales

Address:

700 Gary St., Suites A & B, Winfield KS 67156

Phone:

620-221-2161

E-mail:

winfieldarts@gmail.com

Contact Name:
(if different
than
Applicant)

Same

Address:

Same

Phone:

Same

E-mail:

Same

Outdoor Community Event
and
Temporary Entertainment District Application

Will Alcoholic Liquor or CMB be sold and/or served? ☒ Yes, If so complete the following ☐ No

Onsite Alcohol Supervisor Name:

Address:

Phone:

E-mail:

Sale and/or Consumption of Alcoholic Liquor or Cereal Malt Beverages (CMB): A Temporary CMB license (allowing sale and/or consumption of CMB) or a **Temporary Permit (allowing the sale and/or consumption of Alcoholic Liquor) **MUST** be approved by the City Commission. Regular City Commission meetings are held the 1st and 3rd Mondays of each month.

Temporary Alcoholic Liquor or CMB License specifications include:

- No more than 3 consecutive days.
- No more than 4 events annually to the same applicant.
- No sales or consumption of Alcoholic Liquor or CMB upon public streets or rights-of-way unless approved by the City Commission pursuant to the establishment of a Temporary Entertainment District (TED). Streets must be closed to vehicular traffic.
- Specific area designated for point of sale of CMB or Alcoholic Liquor must be defined on a site plan.
- Applicant **MUST** comply with all provisions of the City Code for sale of BOTH Alcoholic Liquor or CMB

**** Sale of Alcoholic Liquor is allowed ONLY when a Temporary Permit has been issued by the State of Kansas Division of Alcoholic Beverage Control (ABC) AND the City of Winfield. A copy of BOTH permits shall be posted along with the site plan at the event and shall be available for inspection upon request by any law enforcement officer or any officer or agent of the ABC Division Director. Sale and/or consumption of Alcoholic Liquor upon public streets and sidewalks is allowed ONLY when a Temporary Permit has been issued by the State of Kansas Division of Alcoholic Beverage Control AND the City of Winfield, AND when a TEMPORARY ENTERTAINMENT DISTRICT (TED) designation has been approved by the City Commission.**

Outdoor Community Event
and
Temporary Entertainment District Application

Will food be sold and/or served? ☒ Yes, If so complete the following ☐ No

Onsite Food Supervisor Name:

Cheri Kindt-Gonzales

Address:

700 Gary St., Winfield, KS 67156

Phone:

620-221-2161

E-mail:

winfieldarts@gmail.com

Will admission be charged? ☐ Yes, If so the following will be required ☒ No

If admission is going to be charged at the proposed event the permit holder must obtain minimum insurance for the event. The permit holder shall procure and maintain in full force and effect during the term of the permit a policy of insurance from an insurance company authorized to do business in the State of Kansas, which policy includes the City of Winfield, its officers and agents, as named insured's and which provides general liability coverage in an amount not less than \$500,000.00 per occurrence and a minimum of \$50,000.00 property damage coverage. Proof of insurance shall be submitted to the City prior to issuance of the permit and maintenance of this insurance shall be a condition of the permit.

Is this event a fundraiser? ☒ Yes ☐ No

If yes, for what organization?

Winfield Arts & Humanities Council

Estimated Attendance:

3,600

Number of participants in previous years:

3500

Is Street Closure Requested? ☐ Yes ☒ No

If yes, provide a map of event identifying any and all street closures and placement of barricades, with type of barricades to be used.

The Promoter must receive written approval from Kansas Department of Transportation authorities for the closure of any State Highway (Main Street or 9th Avenue). Attach copy of approval letter.

I, the above named applicant, have read the contents of this application and that all information and answers herein contained are completed and true. In addition, I have read and understand all rules and regulations as set out in the Code of the City of Winfield. Furthermore, I hereby agree to comply with all of the laws of the State of Kansas, and all rules and regulations prescribed by the City of Winfield and I have consent to the immediate revocation of my license, by the proper officials, for any violation of such laws, rules, or regulations.

Applicant Signature _____

Date: _____

City Manager Signature _____

Date: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/29/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Buterbaugh & Handlin 808 Millington P.O. Box 293 Winfield KS 67156		CONTACT NAME: Sharon Keplinger PHONE (A/C, No, Ext): (620) 221-1760 FAX (A/C, No): (620) 221-1776 E-MAIL ADDRESS:	
INSURED Winfield Art & Humanities Council 700 Gary, Suite A Winfield KS 67156		INSURER(S) AFFORDING COVERAGE INSURER A: Farmers Alliance Mutual Ins. INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 19194	

COVERAGES

CERTIFICATE NUMBER: CL2052904779

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			CCP029251	06/18/2020	06/18/2021	EACH OCCURRENCE \$ 500,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 500,000
							GENERAL AGGREGATE \$ 500,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						PRODUCTS - COMP/OP AGG \$
	AUTOMOBILE LIABILITY						Terrorism Coverage \$
	<input type="checkbox"/> ANY AUTO						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> OWNED AUTOS ONLY	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per person) \$
	<input type="checkbox"/> HIRED AUTOS ONLY	<input type="checkbox"/> NON-OWNED AUTOS ONLY					BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							\$
	UMBRELLA LIAB	<input type="checkbox"/> OCCUR					EACH OCCURRENCE \$
	EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE					AGGREGATE \$
	DED	RETENTION \$					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	<input type="checkbox"/> Y / N	N / A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

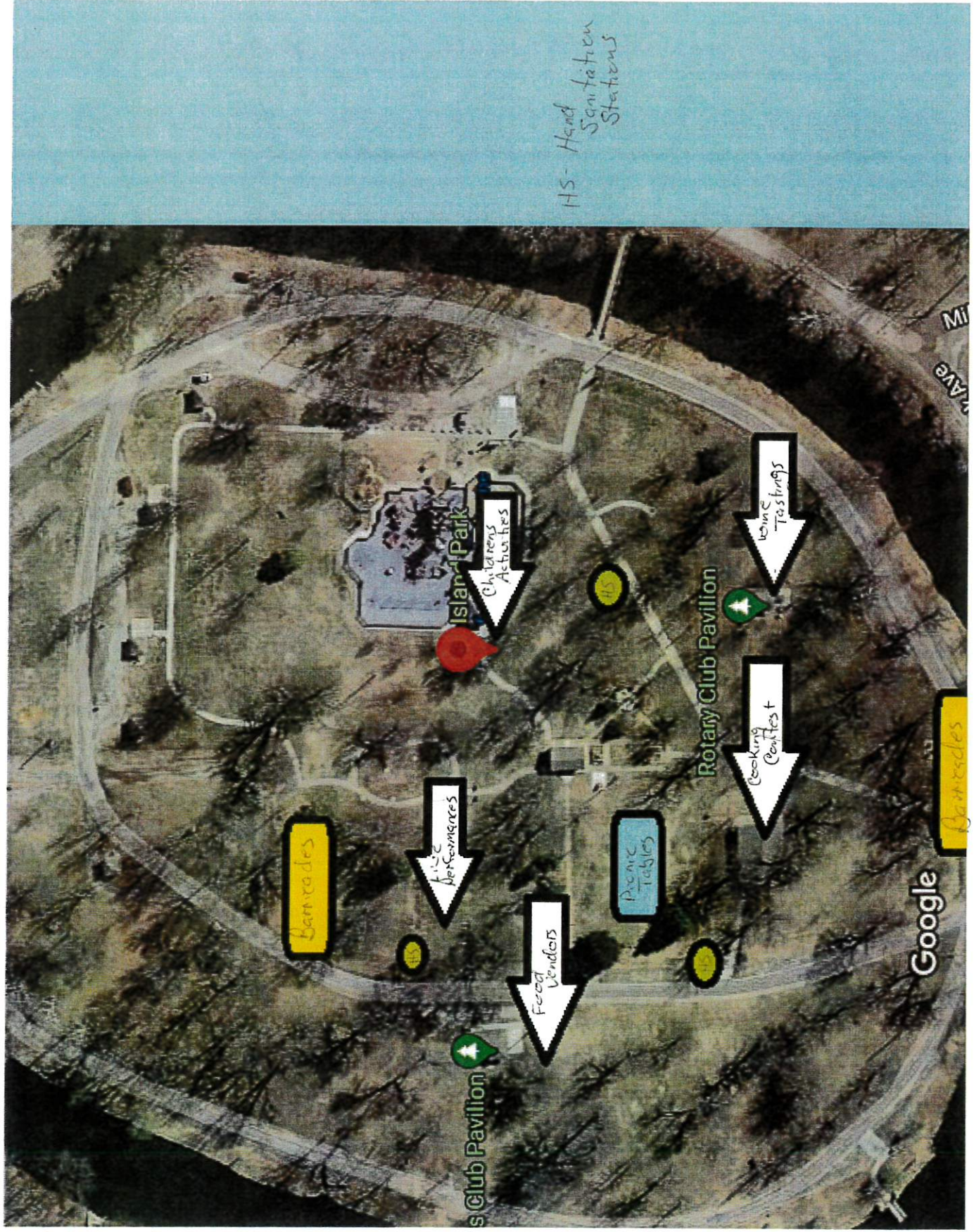
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

City of Winfield P.O. Box 646 Winfield KS 67156	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE Sharon Keplinger

2020 Art in the Park, Oct 3rd





Request for Commission Action

Date: 9/3/2020

Requestor: Kyle Gillett, Interim Power Plant Supervisor

Action Requested: Consider approval of funds for replacement of hydrogen control system at Winfield Power Plant (see attached configuration)

Analysis: The Winfield Power Plant uses hydrogen as a means for cooling of the generator. The current hydrogen control system at the Winfield Power Plant is original to the facility which began construction in 1968. The system has become unreliable. The control panel gives the Power Plant Operators an indication of the purity of the H₂, but the accuracy of the readings has become a concern.

The replacement system offered by MD&A includes an automated purge package that would allow the Operators to purge the system in 20 – 40 minutes, with it currently being a manual all-day process. It would restore reliability and ensure accurate readings regarding hydrogen purity levels. Hydrogen can become explosive when the purity levels are not properly maintained.

The GE proposal does not include an automated purge package. I contacted GE and they informed me to include the automated purge system would increase the cost by over \$300,000.

Fiscal Impact: We obtained estimates for a replacement hydrogen control system from two companies. The companies were GE, and MD&A Control Systems. The estimates were as follows.

- GE \$173,328
- MD&A Control Systems \$257,600

The proposal from MD&A is for a turn-key hardware and installation package with the automated purge system included. The quote from GE only covers material and five days of technical direction by the cabinet vendor, with additional time costing extra and again, it does not include automated purge capabilities.

Taking these factors into consideration, staff recommends proceeding with MD&A as the contractor for this project.

Attachments: Brochure



Request for Commission Action

Date: 9/3/2020

Requestor: Jerred Schmidt, MIS Director

Action Requested: Consider approval of funds for replacement of technology system servers.

Analysis: The City has planned for server replacement to occur in the 2020 and 2021 budgets. The current servers are 8 years old and have exceeded their useful life. Currently, the City is undertaking a large software project as well as a move to a new facility in 2021 for Fire/EMS that will coordinate with this project.

This summer, the City received bids on the replacement of one server and an alternative bid for total replacement of all three servers.

The replacement of all three servers at once will afford the City significant savings, rather than spreading them out over two years. The low bidder price for one server is ~\$47k vs. ~\$98k for three.

Two manufacturers with similar specs were competed for the project: HP and Dell. The HP servers were selected as the best option for the City. Dell pricing was ~\$212k for the same project.

The HP servers will have higher end specs than the Dells and are about ½ the cost.

We have used HP server for at least 15 years and have been very pleased with their Support and reliability.

Staff recommends moving forward with the full project in 2020 vs spreading the cost over two years.

Attachments: Quotes