

**CITY COMMISSION MEETING
Winfield, Kansas**

DATE: Monday, October 18, 2021
TIME: 5:30 p.m.
PLACE: City Commission – Community Council Room – First Floor – City Building

AGENDA

CALL TO ORDER.....Mayor Gregory N. Thompson

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

MINUTES OF PRECEDING MEETING.....Monday, October 04, 2021

PRESENTATIONS

- Winfield Police Department Life Saving Awards
- Winfield Police Department Oaths of Office

PUBLIC HEARING

- Consider determination that the structures at 911 E 14th Ave are unsafe and/or dangerous, and ordering said structure(s) to be repaired or removed in ninety (90) days.
- Consider determination that the structures at 1112 E 6th Ave are unsafe and/or dangerous, and ordering said structure(s) to be repaired or removed in ninety (90) days.

BUSINESS FROM THE FLOOR

- Citizens to be heard

NEW BUSINESS

Ordinances & Resolutions

Bill No. 21114 – A Resolution – Setting forth findings that the structure(s) located on a tract of land legally described as follows: PARSONAGE ADD, Lot 7 - 8, to Winfield, Kansas. Commonly known as 911 E 14th Ave. Recorded in Book 414 page 196, in the Office of the Register of Deeds of Cowley County, Kansas is unsafe and/or dangerous and ordering said structure(s) to be repaired or removed in ninety (90) days.

Bill No. 21115 – A Resolution – Setting forth findings that the structure(s) located on a tract of land legally described as follows: GRANDVIEW ADD WINFIELD, BLOCK 5, E7.5 LT 9 & ALL LT 10, to Winfield, Kansas, commonly known as 1112 E 6th Ave. Recorded in Book 1041 page 192, in the Office of the Register of Deeds of Cowley County, Kansas is unsafe and/or dangerous and ordering said structure(s) to be repaired or removed in ninety (90) days.

Bill No. 21116 – A Resolution – Determining the existence of certain nuisances at 607 Loomis St in the City of Winfield, Kansas, and authorizing further action pursuant to the City Code of said City.

Bill No. 21117 – A Resolution – Determining the existence of certain nuisances at 219 N Massachusetts St in the City of Winfield, Kansas, and authorizing further action pursuant to the City Code of said City.

Bill No. 21118 – A Resolution – Determining the existence of certain nuisances at 7 Kineer Rd in the City of Winfield, Kansas, and authorizing further action pursuant to the City Code of said City.

Bill No. 21119 – A Resolution – Determining the existence of certain nuisances at 711 E 6th Ave in the City of Winfield, Kansas, and authorizing further action pursuant to the City Code of said City.

Bill No. 21120 – A Resolution – Determining the existence of certain nuisances at 1006 E 10th Ave in the City of Winfield, Kansas, and authorizing further action pursuant to the City Code of said City.

Bill No. 21121 – A Resolution – Determining the existence of certain nuisances at 332 N Massachusetts St in the City of Winfield, Kansas, and authorizing further action pursuant to the City Code of said City.

Bill No. 21122 – A Resolution – Authorizing the City Manager to enter into a to a Field Agreement between the City of Winfield, Kansas and Midwest Moos INC, regarding the use of Broadway Sports Complex for 2022 & 2023.

OTHER BUSINESS

ADJOURNMENT

-Next Commission work session 4:00 Thursday, October 28, 2021.

-Next regular meeting 5:30 p.m. Monday, November 01, 2021.

CITY COMMISSION MEETING MINUTES
Winfield, Kansas
October 4, 2021

The Board of City Commissioners met in regular session, Monday, October 04, 2021 at 5:30 p.m. in the City Commission-Community Council Meeting Room, City Hall; Presiding Officer Ronald E. Hutto presiding. Commissioner Phillip R. Jarvis was also present. Mayor Gregory N. Thompson was noted as absent. Also in attendance were Taggart Wall, City Manager; Brenda Peters, City Clerk; and William E. Muret, City Attorney.

City Clerk Peters called roll and noted Mayor Gregory N. Thompson as absent.

Commissioner Jarvis moved that the minutes of the September 20, 2021 meeting be approved. Commissioner Hutto seconded the motion. With both Commissioners voting aye, motion carried.

BUSINESS FROM THE FLOOR

NEW BUSINESS

Bill No. 21113 – A Resolution – Awarding a contract and directing the City Manager and Clerk of the City of Winfield, Kansas to execute a contract for the construction of an addition to the Rotary Performance Venue at Island Park. City Manager Wall explains this will allow the City to enter into a contract with Coonrod & Associates for the construction of the addition of a storage room at the Rotary Performance Venue at Island Park. Upon motion by Commissioner Jarvis, seconded by Commissioner Hutto both Commissioners voting aye, Bill No. 21113 was adopted and numbered Resolution No. 9821.

OTHER BUSINESS

ADJOURNMENT

Upon motion by Commissioner Jarvis, seconded by Commissioner Hutto, both Commissioners voting aye, the meeting adjourned at 5:31 p.m.

Signed and sealed this 8th day of October 2021.

Signed and approved this 18th day of October 2021.

Brenda Peters, City Clerk

Ronald E. Hutto, Presiding Officer



Request for Commission Action

Date: October 18, 2021

Requestor: Josh Wallace, Environmental Inspector

Action Requested: Seeking consideration for the approval of setting resolutions regarding the determination of certain structures as unsafe and/or dangerous and ordering said structure(s) to be repaired or removed in (90) days--allowing any owner/lien holder 30 days for a detailed written plan for rehabilitation or removal of said structures.

911 E 14th: Shed/Garage is not structurally sound, the roof is partially collapsed and the structure is leaning and in danger of collapse.

1112 E 6th: The house suffered a fire and is listed as an estimated total loss by the fire marshal, the boxcar in the rear is unfit for human occupancy per the building inspector, is unsecure, in disrepair and unsafe.

Analysis: The owners of all properties listed have received a certified letter requesting permission to inspect the property and were contacted by phone or in person. Owners have received certified letters containing the Fixing Resolution and notifying them of the Oct. 18th hearing date.

Fiscal Impact: Unknown fiscal impact at this time. Bids will eventually be acquired for the demolition.

Attachments:

Condemnation Resolution 911 E 14th - 4 Photos

Condemnation Resolution 1112 E 6th - 4 Photos

Request for Commission Action

911 E 14th #1-2



Request for Commission Action



Request for Commission Action



Request for Commission Action



A RESOLUTION

SETTING forth findings that the structure(s) located on a tract of land legally described as follows: *PARSONAGE ADD, Lot 7 - 8, to Winfield, Kansas. Commonly known as 911 E 14th Ave. Recorded in Book 414 page 196, in the Office of the Register of Deeds of Cowley County, Kansas* is unsafe and/or dangerous and ordering said structure(s) to be repaired or removed in ninety (90) days.

WHEREAS, the Governing Body, by **Resolution No. 8621** scheduled a hearing for 10/18/2021 at 5:30 p.m. to hear evidence to determine if the structure(s), *shed/garage*, hereinafter described is unsafe and/or dangerous; and,

WHEREAS, on 10/18/2021 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(s), *shed/garage*, located on a tract of land legally described as:

PARSONAGE ADD, Lot 7 - 8, to Winfield, Kansas, Commonly known as 911 E 14th Ave, Recorded in Book 414 page 196, in the Office of the Register of Deeds of Cowley County, Kansas,

is unsafe and dangerous and hereby directs the owner to remove or repair said structure(s) 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(s) into code compliance and make said structure(s) safe and habitable. Compliance must meet city standards and expectations. The owner must have the structure(s) inspected by the city inspector and obtain a Certificate of Occupancy from the Inspection Department before said structure(s) are deemed safe, habitable and ready for occupancy. Regardless of the expenditures and/or progress on the structure(s), 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(s) 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 structure(s) 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(s) 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 18th day of October 2021.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

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

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

A RESOLUTION

SETTING forth findings that the structure(s) located on a tract of land legally described as follows: ***GRANDVIEW ADD WINFIELD, BLOCK 5, E7.5 LT 9 & ALL LT 10, to Winfield, Kansas, commonly known as 1112 E 6th Ave. Recorded in Book 1041 page 192, in the Office of the Register of Deeds of Cowley County, Kansas*** is unsafe and/or dangerous and ordering said structure(s) to be repaired or removed in ninety (90) days.

WHEREAS, the Governing Body, by **Resolution No. 8721** scheduled a hearing for 10/18/2021 at 5:30 p.m. to hear evidence to determine if the structure(s), ***houses and boxcar***, hereinafter described is unsafe and/or dangerous; and,

WHEREAS, on 10/18/2021 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(s), ***house and boxcar***, located on a tract of land legally described as:

GRANDVIEW ADD WINFIELD, BLOCK 5, E7.5 LT 9 & ALL LT 10, to Winfield, Kansas. Commonly known as 1112 E 6th Ave. Recorded in Book 1041 page 192, in the Office of the Register of Deeds of Cowley County, Kansas,

is unsafe and dangerous and hereby directs the owner to remove or repair said structure(s) 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(s) into code compliance and make said structure(s) safe and habitable. Compliance must meet city standards and expectations. The owner must have the structure(s) inspected by the city inspector and obtain a Certificate of Occupancy from the Inspection Department before said structure(s) are deemed safe, habitable and ready for occupancy. Regardless of the expenditures and/or progress on the structure(s), 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(s) 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 structure(s) 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(s) 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 18th day of October 2021.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

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

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



Request for Commission Action

Date: October 18, 2021

Requestor: Josh Wallace, Environmental Inspector

Action Requested: Seeking consideration for the approval of Nuisance Resolutions determining the existence of a nuisance at:

1006 E 10th: Furniture and mattresses in the back yard.

332 N Massachusetts: Furniture and junk in the carport and furniture and an appliance in the back yard.

607 Loomis: Construction material, parts, appliances and junk in the back yard.

219 N Massachusetts: Furniture, parts and junk in a trailer in the driveway and front yard.

7 Kineer: Furniture and construction materials in a trailer in the side yard.

711 E 6th: brush and limbs in the front of the property.

Analysis: The owners of all properties listed have received a door hanger warning, were sent a certified letter and a notice of upcoming commission action warning if able.

Fiscal Impact: Unknown fiscal impact at this time. Once approved, a contractor will be assigned to remove the nuisances and the owners will be billed for the cost of the removal as well as an administrative fee of \$100.

Attachments:

Nuisance Resolution 1006 E 10th - 2 Photos

Nuisance Resolution 332 N Massachusetts - 2 Photos

Nuisance Resolution 607 Loomis - 2 Photos

Nuisance Resolution 219 N Massachusetts - 2 Photos

Nuisance Resolution 7 Kineer - 2 Photos

Nuisance Resolution 711 E 6th - 2 Photos

Request for Commission Action

1006 E 10th #1-2



Request for Commission Action

332 N Massachusetts #1-2



Request for Commission Action



Request for Commission Action

219 N Massachusetts #1-2



Request for Commission Action



Request for Commission Action



A RESOLUTION

DETERMINING the existence of certain nuisances at 607 Loomis St in the City of Winfield, Kansas, and authorizing further action pursuant to the City Code of said City.

WHEREAS, under the provisions of Section 54-3 and 70-2 of the Winfield City Code, Winfield, Kansas, adopted pursuant to K.S.A. 12-1617e, the Governing Body has the power to remove or abate from any lot or parcel of ground within the City any nuisance thereon, upon a finding and determination thereof by said Governing Body; and,

WHEREAS, the City's inspector, on or about the 13th day of July 2021 and on prior and subsequent times, inspected the premises described below and observed the following conditions as set forth below;

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

Section 1. The conditions hereinafter described are hereby found to be nuisances, and determined to be a menace and dangerous to the health of the inhabitants of the city or of any neighborhood, family or resident of the city, to wit:

Owner: BELL, MATTHEW CLANCY
1315 Fuller St
Winfield, KS 67156

Occupant: BELL, MATTHEW CLANCY
Property Address: 607 Loomis St
Legal Description: WINFIELD, TOWNSITE OF, BLOCK 146, S55 LT 1

Nature of Nuisance: A nuisance consisting of a large accumulation of construction material, parts, appliances and junk in back yard creating an unsightly appearance and/or harborage for vermin.

Disposition of Items: Property items determined by the City to be of value will be impounded and stored at the City impound lot. Such items may be retrieved after appropriate impound fees and other incurred expenses have been paid by the owners.

Section 2. The Clerk of the City of Winfield, Kansas is hereby authorized to issue notice for the removal and abatement of said nuisances and take any remedial action as authorized under Section 54-2 of the Winfield City Code, Winfield, Kansas.

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

ADOPTED this 18th day of October 2021.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

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

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

A RESOLUTION

DETERMINING the existence of certain nuisances at 219 N Massachusetts St in the City of Winfield, Kansas, and authorizing further action pursuant to the City Code of said City.

WHEREAS, under the provisions of Section 54-3 and 70-2 of the Winfield City Code, Winfield, Kansas, adopted pursuant to K.S.A. 12-1617e, the Governing Body has the power to remove or abate from any lot or parcel of ground within the City any nuisance thereon, upon a finding and determination thereof by said Governing Body; and,

WHEREAS, the City's inspector, on or about the 8th day of July 2021 and on prior and subsequent times, inspected the premises described below and observed the following conditions as set forth below;

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

Section 1. The conditions hereinafter described are hereby found to be nuisances, and determined to be a menace and dangerous to the health of the inhabitants of the city or of any neighborhood, family or resident of the city, to wit:

Owner: SMS,LLC
5 Berwick Ct
Winfield, KS 67156

Occupant: BRYAN, DANIEL C
Property Address: 219 N Massachusetts St
Legal Description: HIGHLAND PARK, BLOCK 31, S1/2 LT 6

Nature of Nuisance: A nuisance consisting of a large accumulation of furniture, parts and junk in a trailer in the driveway and in front yard creating an unsightly appearance and/or harborage for vermin.

Disposition of Items: Property items determined by the City to be of value will be impounded and stored at the City impound lot. Such items may be retrieved after appropriate impound fees and other incurred expenses have been paid by the owners.

Section 2. The Clerk of the City of Winfield, Kansas is hereby authorized to issue notice for the removal and abatement of said nuisances and take any remedial action as authorized under Section 54-2 of the Winfield City Code, Winfield, Kansas.

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

ADOPTED this 18th day of October 2021.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

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

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

DETERMINING the existence of certain nuisances at 7 Kineer Rd in the City of Winfield, Kansas, and authorizing further action pursuant to the City Code of said City.

Section 2. The Clerk of the City of Winfield, Kansas is hereby authorized to issue notice for the removal and abatement of said nuisances and take any remedial action as authorized under Section 54-2 of the Winfield City Code, Winfield, Kansas.

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

ADOPTED this 18th day of October 2021.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

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

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

A RESOLUTION

DETERMINING the existence of certain nuisances at 711 E 6th Ave in the City of Winfield, Kansas, and authorizing further action pursuant to the City Code of said City.

WHEREAS, under the provisions of Section 54-3 and 70-2 of the Winfield City Code, Winfield, Kansas, adopted pursuant to K.S.A. 12-1617e, the Governing Body has the power to remove or abate from any lot or parcel of ground within the City any nuisance thereon, upon a finding and determination thereof by said Governing Body; and,

WHEREAS, the City's inspector, on or about the 12th day of April 2021 and on prior and subsequent times, inspected the premises described below and observed the following conditions as set forth below;

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

Section 1. The conditions hereinafter described are hereby found to be nuisances, and determined to be a menace and dangerous to the health of the inhabitants of the city or of any neighborhood, family or resident of the city, to wit:

Owner: HOWELL, KIM L
2734 N 99TH ST
Kansas City, KS 66109

Occupant: VACANT
Property Address: 711 E 6th Ave
Legal Description: CITIZEN'S ADD, BLOCK 246, Lot 4

Nature of Nuisance: A nuisance consisting of a large accumulation of brush and limbs in front of the property creating an unsightly appearance and/or harborage for vermin.

Disposition of Items: Property items determined by the City to be of value will be impounded and stored at the City impound lot. Such items may be retrieved after appropriate impound fees and other incurred expenses have been paid by the owners.

Section 2. The Clerk of the City of Winfield, Kansas is hereby authorized to issue notice for the removal and abatement of said nuisances and take any remedial action as authorized under Section 54-2 of the Winfield City Code, Winfield, Kansas.

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

ADOPTED this 18th day of October 2021.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

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

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

A RESOLUTION

DETERMINING the existence of certain nuisances at 1006 E 10th Ave in the City of Winfield, Kansas, and authorizing further action pursuant to the City Code of said City.

WHEREAS, under the provisions of Section 54-3 and 70-2 of the Winfield City Code, Winfield, Kansas, adopted pursuant to K.S.A. 12-1617e, the Governing Body has the power to remove or abate from any lot or parcel of ground within the City any nuisance thereon, upon a finding and determination thereof by said Governing Body; and,

WHEREAS, the City's inspector, on or about the 1st day of September 2021 and on prior and subsequent times, inspected the premises described below and observed the following conditions as set forth below;

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

Section 1. The conditions hereinafter described are hereby found to be nuisances, and determined to be a menace and dangerous to the health of the inhabitants of the city or of any neighborhood, family or resident of the city, to wit:

Owner: SMID,CYNTHIA L
12102 W JEWELL ST
Wichita, KS 67235

Occupant: CHAISSON, CHRISTIE D
Property Address: 1006 E 10th Ave
Legal Description: THOMPSON'S ADD, BLOCK 309, W60 OF E100 LT 3

Nature of Nuisance: A nuisance consisting of a large accumulation of furniture and mattresses in back yard creating an unsightly appearance and/or harborage for vermin.

Disposition of Items: Property items determined by the City to be of value will be impounded and stored at the City impound lot. Such items may be retrieved after appropriate impound fees and other incurred expenses have been paid by the owners.

Section 2. The Clerk of the City of Winfield, Kansas is hereby authorized to issue notice for the removal and abatement of said nuisances and take any remedial action as authorized under Section 54-2 of the Winfield City Code, Winfield, Kansas.

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

ADOPTED this 18th day of October 2021.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

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

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

A RESOLUTION

DETERMINING the existence of certain nuisances at 332 N Massachusetts St in the City of Winfield, Kansas, and authorizing further action pursuant to the City Code of said City.

WHEREAS, under the provisions of Section 54-3 and 70-2 of the Winfield City Code, Winfield, Kansas, adopted pursuant to K.S.A. 12-1617e, the Governing Body has the power to remove or abate from any lot or parcel of ground within the City any nuisance thereon, upon a finding and determination thereof by said Governing Body; and,

WHEREAS, the City's inspector, on or about the 28th day of June 2021 and on prior and subsequent times, inspected the premises described below and observed the following conditions as set forth below;

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

Section 1. The conditions hereinafter described are hereby found to be nuisances, and determined to be a menace and dangerous to the health of the inhabitants of the city or of any neighborhood, family or resident of the city, to wit:

Owner: MCCULLOUGH, BRIAN D
332 N Massachusetts St
Winfield, KS 67156

Occupant: MCCULLOUGH, BRIAN D
Property Address: 332 N Massachusetts St
Legal Description: MUSGROVE'S ADD, BLOCK 40, S35 OF N70 LT 9

Nature of Nuisance: A nuisance consisting of a large accumulation of furniture and junk in the carport and furniture and an appliance in back yard creating an unsightly appearance and/or harborage for vermin.

Disposition of Items: Property items determined by the City to be of value will be impounded and stored at the City impound lot. Such items may be retrieved after appropriate impound fees and other incurred expenses have been paid by the owners.

Section 2. The Clerk of the City of Winfield, Kansas is hereby authorized to issue notice for the removal and abatement of said nuisances and take any remedial action as authorized under Section 54-2 of the Winfield City Code, Winfield, Kansas.

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

ADOPTED this 18th day of October 2021.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

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

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

A RESOLUTION

AUTHORIZING the City Manager to enter into a to a Field Agreement between the City of Winfield, Kansas and Midwest Moos INC, regarding the use of Broadway Sports Complex for 2022 & 2023.

WHEREAS, the City of Winfield and the MidWest Moos, INC have a mutual desire to improve local community tourism and recreational opportunities;

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

Section 1. The governing body of the City of Winfield, Kansas hereby authorizes the City Manager to enter into a Field Agreement, attached and made part of this resolution by reference, regarding the use of Broadway Sports Complex for 2022 & 2023.

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

ADOPTED this 18th day of October 2021.

(SEAL)

Gregory N. Thompson, Mayor

ATTEST:

Brenda Peters, City Clerk

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

Approved for Commission action: _____
Taggart Wall, City Manager

FIELD AGREEMENT
BETWEEN CITY OF WINFIELD, KANSAS
&
MIDWEST MOOS INC

This AGREEMENT, entered into this ____ day of October, 2021 by the MIDWEST MOOS INC and the CITY OF WINFIELD, KS (hereinafter known as the CITY).

WHEREAS, the CITY and the MidWest Moos INC have agreed to terms on a new FIELD AGREEMENT for the 2022 & 2023 baseball seasons through August 2023.

NOW THEREFORE, upon such approval, the parties do hereby agree as follows:

1. The CITY agrees to the following conditions:

A. Beer Sales - The CITY will allow the sale and consumption of beer at a designated area, with applicable and preapproved CMB licensing/permitting, during MidWest Moos INC contests when no Winfield Recreation Commission games are being played on adjacent fields in the main quad area of the Broadway Sports Complex.

B. Mowing - The CITY or a designee thereof, agrees to mow the grass at the Baseball Field.

C. Field Rental- MidWest Moos INC shall submit to CITY \$2,000 in field rental for each season. One-half (1/2) of the rent shall be submitted no later than June 1 and the final rent shall be submitted no later than October 1.

D. Dugouts Maintenance - The CITY shall be responsible for all electrical, plumbing and air conditioning maintenance, repair and replacement, except, any damage caused by misuse or purposeful damage.

2. The MidWest Moos INC agrees to the following conditions:

A. Clean-up - The MidWest Moos INC agrees to assist in picking up trash after each contest. MidWest Moos INC will require preseason training of designated personnel by CITY for clean-up procedures.

B. Field Preparation - The MidWest Moos INC shall be responsible for playing field preparation as required. MidWest Moos INC will require preseason training of designated personnel by CITY for field preparation procedures.

C. Game Schedule - To be coordinated and presented to the CITY, or it's designee as soon as it is available. Any special scheduling requests shall be made to the CITY, or it's designee, prior to finalizing the schedule.

D. Concessions - The MidWest Moos INC shall have sole responsibility and right for the sale of beer during contests. The MidWest Moos INC shall have the sole responsibility and right for the sale of concessions during MidWest Moos INC contests. The MidWest Moos INC agrees to abide by all CITY policies, regulations and other contracts including the exclusive rights of Coca-Cola products at Broadway Sports Complex.

E. Beer Sales - The MidWest Moos INC shall have the sole responsibility for the operation and sale of beer within the designated area during MidWest Moos INC contests. All concession staff handling and selling beer must be of legal age. Under no circumstances shall the City of Winfield be held responsible for underage sale or consumption of beer.

F. Dugouts - The MidWest Moos INC is responsible for maintaining any furniture, lockers, carpet, etc. having to do with the baseball operations, and the normal cleaning of the dugouts.

G. The MidWest Moos INC shall have written permission from the third party owner of any equipment used in conjunction with their baseball operations when said equipment is not owned by the CITY or the MidWest Moos INC.

H. Community Involvement - The MidWest Moos INC agrees to be active in the community by serving as volunteers for various community functions when possible.

I. MidWest Moos INC agrees to carry Comprehensive Liability insurance naming the City of Winfield, its officers and agents as additionally insured in an amount not less

than \$1,000,000 General Aggregate, \$1,000,000 Products aggregate, \$500,00, Each Occurrence, \$500,000 Personal/Adv Injury and \$100,000 Fire Damage.

Under no circumstances shall the MidWest Moos INC hold the City of Winfield responsible for damages or injuries incurred as a result of negligence out of the City's control or participation in an event.

This Contract is effective from the latest date signed below for a period of two (2) baseball seasons and will be reviewed by both parties in August 2023.

There shall be an ANNUAL MEETING no later than fourteen (14) days after the end of the postseason in which members of the CITY and the owners/management of the MidWest Moos INC review the previous season's operations.

Each party shall provide written notification to the other not more than ten (10) days after the ANNUAL MEETING of its intent to negotiate a contract for the future season/s.

Each party shall have the right to terminate this contract by written notification of not less than thirty (30) days should the other party breach any of the above terms, misfeasance, malfeasance or nonfeasance.

The provisions of this agreement shall be binding upon the heirs, successors, executors and administrators of both parties upon written agreement of any transfer of rights.

City Manager

Date

MidWest Moos, INC

Date