

**CITY COMMISSION MEETING
Winfield, Kansas**

DATE: Monday, April 18, 2022
TIME: 5:30 p.m.
PLACE: City Commission – Community Council Room – First Floor – City Building

AGENDA

CALL TO ORDERMayor Ronald E. Hutto
ROLL CALL.....City Clerk, Brenda Peters
MINUTES OF PRECEDING MEETING.....Monday, April 04, 2022

BUSINESS FROM THE FLOOR

-Citizens to be heard

NEW BUSINESS

Ordinances & Resolutions

Bill No. 2232 - An Ordinance – Amending Chapter 6 of The Winfield City Code by the modification of enhanced cereal malt beverage curbside service.

Bill No. 2233 - A Resolution – Authorizing an Outdoor Community Event and Temporary Entertainment District Application (Boneshaker Rides, LLC.)

Bill No. 2234 - A Resolution – Authorizing the Mayor and the City Clerk of the City of Winfield, Kansas to execute a right-of-way use permit agreement between the City of Winfield, Kansas, and Brew Crew LLC, dba Scooter's Coffee to construct and maintain parking within the right-of-way.

OTHER BUSINESS

ADJOURNMENT

-Next Commission work session 4:00 p.m. Thursday, April 28, 2022.
-Next regular meeting 5:30 p.m. Monday, May 02, 2022.

CITY COMMISSION MEETING MINUTES
Winfield, Kansas
April 4, 2022

The Board of City Commissioners met in regular session, Monday, April 04, 2022 at 5:30 p.m. in the City Commission-Community Council Meeting Room, City Hall; Mayor Ronald E. Hutto presiding. Commissioners Gregory N. Thompson and Brenda K. Butters were also present. Also in attendance were Taggart Wall, City Manager; Brenda Peters, City Clerk; and William E. Muret, City Attorney. Other staff members present were Patrick Steward, Director of Community Development; Eryn Ebach Freund, Community Development Coordinator/Planner; and Gus Collins, Director of Utilities.

City Clerk Peters called roll.

Commissioner Butters moved that the minutes of the March 17, 2022 meeting be approved. Commissioner Thompson seconded the motion. With all Commissioners voting aye, motion carried.

PROCLAMATION

-Proclaiming the Month of April as Fair Housing Month. Mayor Hutto proclaimed the month of April 2022 as Fair Housing Month.

PUBLIC HEARING

-Regarding the issuance of Taxable Industrial Revenue Bonds (Petra Winfield Residences Project), in a principal amount not to exceed \$27,550,000 and an exemption from ad valorem taxation of property constructed or purchased with the proceeds of such Bonds. Mayor Hutto opened a public hearing regarding the issuance of Taxable Industrial Revenue Bonds. Vince McMullen, 2109 Mound St, appeared to ask the Commission about the bonds. After some discussion, the Mayor closed the public hearing.

BUSINESS FROM THE FLOOR

- Vince McMullen, 2109 Mound Street, appeared before the Commission to ask about utility bills.
- Rick Schiff, 20 Easy Steet, appeared before the Commission to ask about utility bills.

NEW BUSINESS

Bill No. 2229 – A Resolution – Of the Governing Body of the City of Winfield, Kansas determining the advisability of issuing Taxable Industrial Revenue Bonds for the purpose of financing the acquisition, construction, and equipping of a commercial facility to be located in the City, and authorizing execution of related documents. City Manager Wall explains these bonds would support a development containing approximately 203 units located at Bliss Street and 19th Avenue in Winfield. Upon motion by Commissioner Thompson, seconded by Commissioner Butter, all Commissioners voting aye, Bill No. 2229 was adopted and numbered Resolution No. 3021.

Bill No. 2230 – An Ordinance – Accepting and authorizing the filing of the final plat of Petra Win Residences, a Subdivision in the Northeast Quarter of Section 33, Township 32 South, Range 4 East of the 6th P.M., Cowley County, Kansas. Community Development Coordinator/Planner Ebach Freund explains the Planning Commission received a Petition for final plat approval of Petra Win Residences.

Based on the planning commission's findings, the property met the necessary criteria to recommend approval of the final plat. Upon motion by Commissioner Butters, seconded by Commissioner Thompson, all Commissioners voting aye, Bill No. 2230 was adopted and numbered Ordinance No. 4154.

Bill No. 2231 – A Resolution – Authorizing an Outdoor Community Event and Temporary Entertainment District Application. (Island Park Productions) City Manager Wall explains this Resolution authorizes the possession and consumption of alcoholic liquor or cereal malt beverage in Island Park during a series of outdoor concert events over the summer. Upon motion by Commissioner Jarvis, seconded by Commissioner Hutto, all Commissioners voting aye, Bill No. 2231 was adopted and numbered Resolution No. 3121.

OTHER BUSINESS

-Consider approval for 2022 substation technical support program with Southwest Electric Company. Director of Utilities Collins explains this program provides substation equipment maintenance and testing by an electrical contractor on a three-year rotation. Commissioner Thompson moved to accept the bid from Southwest Electric Company at a cost of \$39,425.00 for the 2022 substation technical support program. Motion was seconded by Commissioner Butters. With all Commissioners voting aye, motion carried.

ADJOURNMENT

Upon motion by Commissioner Thompson, seconded by Commissioner Butters, all Commissioners voting aye, the meeting adjourned at 5:48 p.m.

Signed and sealed this 14th day of April 2022.

Signed and approved this 18th day of April 2022.

Brenda Peters, City Clerk

Ronald E. Hutto, Mayor



Outdoor Community Event and Temporary Entertainment District Application

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 General 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

Organization:

Contact Name:

Email:

Telephone:

Address:

City/State/Zip:

EVENT INFORMATION

Event Title:

Event Date:

Event Type:

Event Time (setup & teardown):

Public Property Needed:

Street Closure Requested? Yes ☐ or No ☐

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

Has written approval been received by appropriate authorities (KDOT) for closure of any State Highway (Main Street or 9th Avenue)? Yes ☐ or No ☐ if yes, attach copy

Date(s)/Time of Street Closures (or attached information):

Site Plan Required: The plan defines the placement of fencing, tables, water supply, toilet/lavatory facilities, lighting, stages, temporary power needs, parking plans, sound plan, traffic control, 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.

Will admission be charged? Yes ☐ or No ☐

Is this event a fundraiser? Yes ☐ or No ☐

Estimated Attendance: (maximum):

Number of participants in previous years:

Please provide fliers, brochures, or website/Facebook posts describing the event.

GENERAL LIABILITY INSURANCE INFORMATION

Comprehensive liability insurance (CGL) is a broad policy that protects the organization from liability claims related to products coverage, completed operations coverage, premise and operations coverage, and independent contractors' coverage; also called commercial general liability insurance. Proof of insurance



Outdoor Community Event and Temporary Entertainment District Application

may need be submitted to the City prior to approval of this application if any of the following activities are a part of the event; including but not limited to paid admissions, spectators, fairs & festivals, fireworks, concerts, carnivals, exhibitions, fundraisers, rides & attractions, racing events, religious ceremonies, running events, sporting events, animals, airsoft or paintball gun usage, construction exposures, inflatables (bounce houses), trampolines, water rides or water slides, bb/pellet guns, re-enactment weapons, archery, bonfires or open pit fires, food trucks/vendors, cereal malt beverage/liquor liability.

If required, the Applicant will procure and maintain during the term of the event a policy of insurance which provides general liability coverage in an amount not less than \$ 1,000,000 General Aggregate, \$ 1,000,000 Products Aggregate, \$ 500,000, Each Occurrence, \$ 500,000 Personal/Adv Injury, \$ 100,000 Fire Damage. with the City of Winfield KS, its officers and agents, named additional insured's.

Has a prior insurance provider canceled or refused to renew your policy? Yes ☐ or No ☐

ALCOHOLIC LIQUOR OR CMB INFORMATION

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

If Yes, is there a Liquor Liability Policy In-Force? Yes ☐ or No ☐

Is the Applicant Named as an Additional Insured? Yes ☐ or No ☐

On-Site Supervisor Name:

Email:

Telephone:

Address:

City/State/Zip:

Possession, sale and/or consumption of Alcoholic Liquor or CMB: A Catered Licensed Event, Temporary license or a Temporary Permit MUST be approved by the Kansas Division of Alcoholic Beverage Control (ABC) and the Winfield City Commission. Regular City Commission meetings are held the 1st and 3rd Mondays of each month.

FOOD INFORMATION

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

Who is Providing the Food and/or Drink?

If Other than the Applicant, is a Certificate of Insurance Provided? Yes ☐ or No ☐

If Other than the Applicant, is Applicant Named as Additional Insured? Yes ☐ or No ☐

On-Site Supervisor Name:

Email:

Telephone:

Address:

City/State/Zip:



Outdoor Community Event and Temporary Entertainment District Application

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.

Signature of Event Applicant Date

APPLICATION APPROVAL

Winfield City Manager Date



Request for Commission Action

Date: April 14, 2022

Requestor: Taggart Wall, City Manager

Action Requested: Consideration of Modification to Curbside Delivery of Cereal Malt Beverage

Analysis:

The Winfield Walmart store has requested a change in Municipal Code to allow for the curbside pickup and delivery of CMB.

This ordinance would allow for the curbside pickup of CMB, but specifically prohibits the delivery of CMB as it is currently not allowed under state law.

Fiscal Impact: The impact of this change from a revenue standpoint is hard to predict given the market total of CMB sales is likely fairly constant in the community.

Attachments: Ordinance, Request Letter

AN ORDINANCE

AMENDING Chapter 6 of The Winfield City Code by the modification of enhanced cereal malt beverage curbside service.

WHEREAS, the City of Winfield received a request from a business in the community to examine and consider revising the ordinance relating to enhanced cereal malt beverage curbside and delivery service; and

WHEREAS, the City of Winfield has considered such modification in consultation with the Kansas Department of Revenue, Division of Alcoholic Beverage Control, finding favorable reasoning to approve such request related to curbside service, excepting the request related to delivery service due to restrictions by the State of Kansas;

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

Section 1. Chapter 6, Section 6-31 of the Municipal Code of the City of Winfield shall read as follows:

General retailer licensees shall be permitted to furnish curbside service.
Off premises delivery service by general retailer licensees is prohibited.

Section 2. This ordinance shall be in full force and effect from and after its publication in the official city newspaper.

ADOPTED this 18th day of April, 2022.

CITY OF WINFIELD, KANSAS

By _____
Ronald E. Hutto, Mayor

ATTEST:

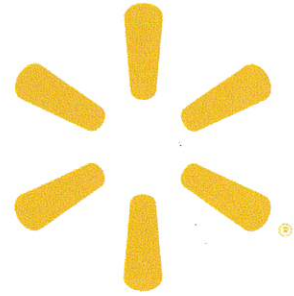
Brenda Peters, City Clerk

Approved for agenda action: _____
Taggart Wall, City Manager

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

Walmart

Save money. Live better.



To Whom It May Concern:

It was brought to the attention of Winfield Walmart Digital team that the sale of alcoholic beverages is blocked for customers to order curbside delivery. My name is Shelbye Henderson and I am the Digital Coach for Winfield Walmart. I since addressed this issue with our compliance team at Home Office and they stated that in the 1970s, a law was passed forbidding the sale of alcoholic beverages to be sold curbside/delivery. I am sending this letter in hopes that this law can be repealed and put in place to where customers are able to receive the service of curbside/delivery. If this is something I need to bring to a city meeting, I will be more than happy to attend and speak on behalf of Walmart. If someone can give me the information to attend, I would greatly appreciate it. If someone would also like to speak to me personally with more information, I am always available and will attach all my contact information below. I appreciate your time with this matter!

Thank you,

A handwritten signature in blue ink that reads "Shelbye Henderson". The signature is stylized with a large loop for the 'S' and a long horizontal stroke for the 'H'.

Shelbye Henderson

Digital Coach

2202 Pike Road

Winfield, KS 67156

W: 620-221-6233

C: 620-218-4321

E: s.henderson3453@hotmail.com



Request for Commission Action

Date: April 14, 2022

Requestor: Taggart Wall, City Manager

Action Requested: Consideration of Temporary Entertainment District

Analysis:

As part of an Outdoor Community Event Application for the Elrod's Cirque cycling event, Boneshaker Ride, LLC. in partnership with Ladybird Brewing have requested permission for the sale, possession and consumption of alcohol on W. 6th between Manning and Main St. The event is expected to bring over 300 riders to Winfield as part of the growing gravel cycling sport.

The promoters have requested the district be in place from 7:00a.m. to 7:00p.m. on May 14th.

Ladybird Brewing will apply for an extension of existing premises under current licensing for the duration of the event.

Fiscal Impact: The event is expected to bring in approximately 300 participants to Winfield. The tourism impact is positive for the community.

Attachments: OCE/TED Application, Maps, Ladybird Brewing License, Resolution

A RESOLUTION

AUTHORIZING an Outdoor Community Event and Temporary Entertainment District Application (Boneshaker Rides, LLC.)

WHEREAS, Boneshaker Rides, LLC. has made application for an Outdoor Community Event and Temporary Entertainment District; and

WHEREAS, Boneshaker Rides, LLC. requests the sale, possession, and consumption of alcoholic liquor or cereal malt beverage on city streets, alleys, parking lots, and public sidewalks during the Elrod's Cirque cycling ride/race, a special event, from 7:00 a.m. to 7:00 p.m., on May 14, 2022, on W. 6th Ave. between Manning and Main St.

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 a community 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. Ladybird Brewing, LLC, is a licensed Drinking Establishment, by the Kansas Department of Revenue, Alcoholic Beverage Control Division, and the City of Winfield. A "drinking establishment" means premises, which may be open to the general public, where alcoholic liquor by the individual drink is sold. Kansas Department of Revenue, Alcoholic Beverage Control Division granted Ladybird Brewing, LLC liquor license #10699, attached and made a part hereof, effective 02/12/2022 and expiring 02/12/2024. A separate Temporary Alcohol Permit is not required of Ladybird Brewing. Ladybird Brewing will obtain an extension of premises for their existing license.

Section 4. The governing body of the city of Winfield Kansas hereby authorizes an 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 or cereal malt beverage as presented by Boneshaker Rides, LLC for the Elrod's Cirque, a special event, from 7:00 a.m. to

7:00 pm, on May 14, 2022, on W. 6th Ave between Manning and Main St., Winfield Kansas, 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 18th day of April 2022.

Ronald E. Hutto, Mayor

ATTEST:

Brenda Peters, City Clerk

Approved for agenda action: _____
Taggart Wall, City Manager

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

APPLICATION FOR DRINKING ESTABLISHMENT LICENSE
CITY OF WINFIELD, COWLEY COUNTY, KANSAS

DATE OF APPLICATION 2/2/22

License Fee \$ 500.00

I hereby apply for a license to sell intoxicating liquor by the drink in conformity with the laws of the State of Kansas, the ordinances contained in the Revised Ordinances of the City of Winfield, Kansas, and the rules and regulations prescribed and hereinafter to be prescribed by you relating to the sale of intoxicating liquor by the drink.

1) Name of Applicant Laura Riggs-Johnson

13) I have secured a drinking establishment license from the State of Kansas, a copy of which is attached.

2) Address of Applicant 19508 10th Rd, Winfield, KS 67156

X Yes No

3) Date of Birth 11/27/1984

4) Length of residency in this City or County over 10 years

14) The place of business for which this application is made is defined by Kansas law as "restaurant" and not less than 30% of the gross receipts from the business is derived from the sale of food for consumption on the premises of the place of business

5) Name of Business Ladybird Brewing LLC

 Yes X No

6) Address of Business 523 Main, Winfield, KS 67156

7) Owner(s) of Business Laura Riggs-Johnson

Kaydee Riggs-Johnson

8) Business will be conducted by a manager X Yes No

9) If (8) above is yes, name of manager Laura Riggs-Johnson

10) Address of manager 19508 10th Rd, Winfield

11) Date of Birth of manager 11/27/1984

12) I hereby certify the following statements are true:

A. Applicant is a citizen of the United States.

B. Applicant is not less than 21 years of age.

C. Applicant has not within the last two years from this date been convicted of:

1. A felony
2. A crime involving moral turpitude
3. Drunkenness
4. Driving a motor vehicle while under the influence of intoxicating liquor
5. Violation of any state or federal intoxicating liquor law

FOR CITY OF WINFIELD OFFICE USE ONLY

The following items must be completed before a license can be issued: (check when completed)

1) State of Kansas license is attached ✓

2) Approval of issuance has been received from:

Building Inspector

Fire Chief or designee

Police Chief or designee

3) License fee of 500 ~~250~~ has been paid ✓

Receipt No.

I hereby agree to comply with all the laws of the State of Kansas, and all rules and regulations prescribed by you, and hereafter to be prescribed by you, relating to the sale of intoxicating liquor by the drink, and do hereby agree to purchase all liquor from a wholesaler licensed and bonded under the laws of the State of Kansas, and do hereby further consent to the immediate revocation of my drinking establishment license, by the proper officials, for any violation of such laws, rules or regulations.

I do solemnly swear that I have read the contents of this application, and that all information and answers herein contained are complete and true, so help me God.

SUBSCRIBED AND SWORN TO before me this 2nd day of February, 2022.

Laura F. Riggs-Johnson
Signature of applicant



My Commission Expires on the day of , 20 .

Carina Anderson
Character of official administering oath

**Kansas Alcoholic Beverage Control Division
Liquor License**

Drinking Establishment

OWNER NAME: **Ladybird Brewing LLC**
DBA: **Ladybird Brewing**
ADDRESS: **523 Main Street**
Winfield, KS 67156

LICENSE NO: 10699

The licensee named above has been granted a liquor license by the Kansas Department of Revenue, Alcoholic Beverage Control Division. This license is neither transferable nor assignable and is subject to suspension or revocation.

PRIVILEGES:

Allows the licensee to sell and serve alcoholic liquor for consumption on licensed premises; serve free samples of alcoholic liquor; redeem drink coupons in arrangement with a hotel; and other activities as authorized by K.S.A. 41-2642.

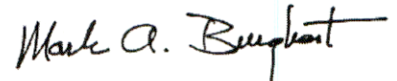
AGREEMENT:

By accepting this license, the licensee agrees to conduct business in compliance with all applicable federal, state, county and city statutes and regulations.



Debbi Beavers
Director, Alcoholic Beverage Control





Mark A. Burghart
Secretary of Revenue

EFFECTIVE: 02/13/2022

EXPIRES: 02/12/2024

THIS LICENSE MUST BE FRAMED AND POSTED ON THE PREMISES IN A CONSPICUOUS PLACE

IMPORTANT INFORMATION

Contact the ABC Licensing Unit at 785-296-7015 or email Kdor_abc.licensing@ks.gov if you have any:

- questions regarding this license
- changes to your business name, location, ownership or officers
- questions about filing gallonage tax; if applicable

Contact your local ABC Enforcement Agent at 785-296-7015 or visit our website at <http://www.ksrevenue.org/abccontact.html>

Contact the Miscellaneous Tax Segment at 785-368-8222 or email Kdor_miscellaneous.tax@ks.gov if you:

- need assistance with liquor drink or liquor enforcement taxes
- have questions about liquor drink tax bonds, bond relief or bond release

CLOSING YOUR BUSINESS

If you are closing your business, you must surrender your liquor license and complete the form at <https://www.ksrevenue.org/pdf/abc824.pdf>

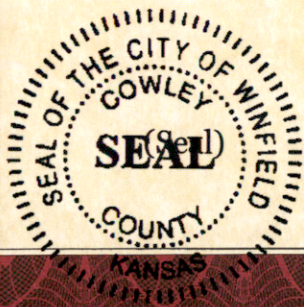
KEEP THIS LICENSE POSTED CONSPICUOUSLY AT ALL TIMES

CITY OF WINFIELD, KANSAS DRINKING ESTABLISHMENT LICENSE

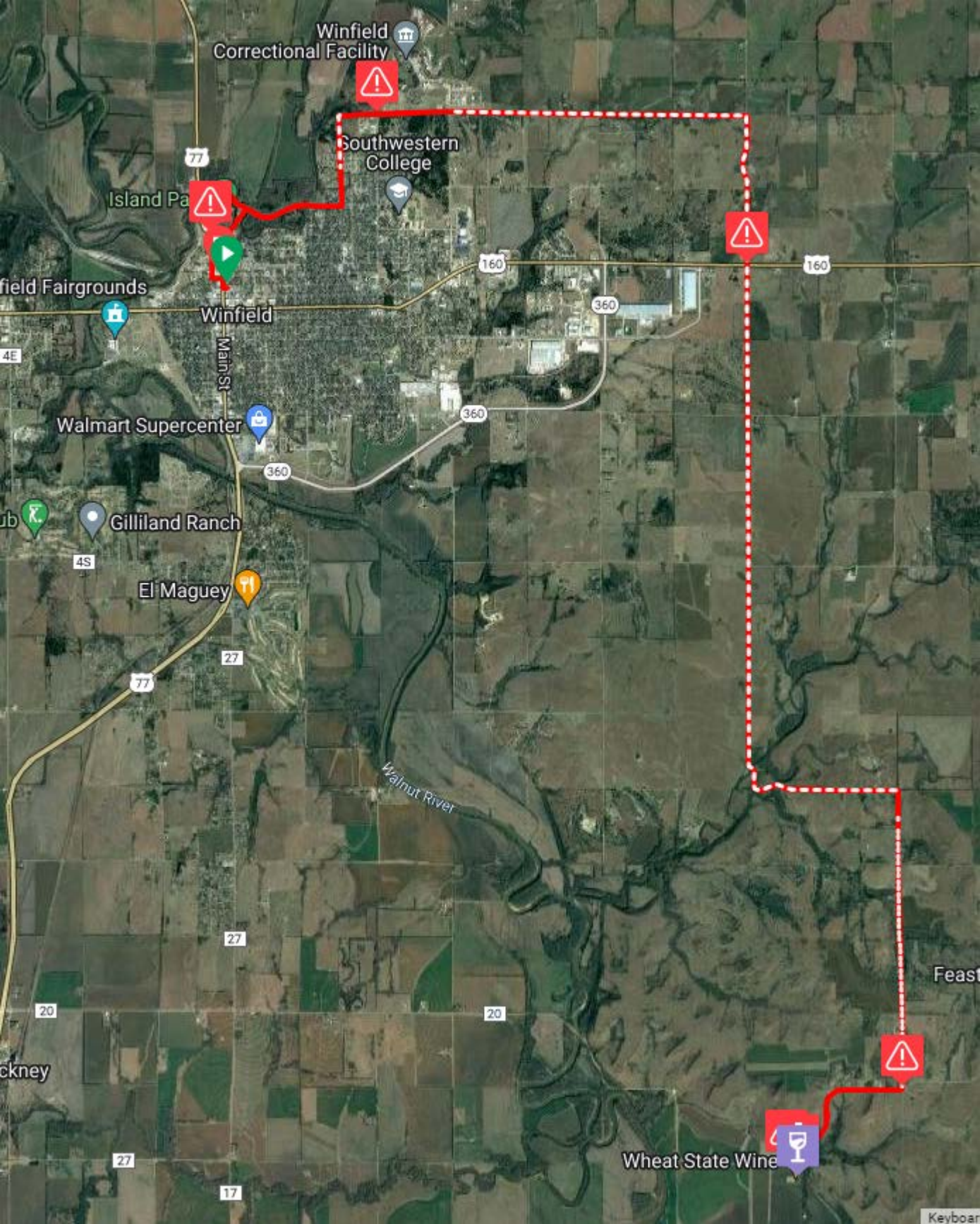
License is hereby granted for the applicant named below to operate a Drinking Establishment in the City of Winfield, County of Cowley, Kansas. This license is neither transferable nor assignable, nor will any refund of the fee be allowed thereon and is valid from 12:01 a.m. February 13, 2022 until 12:00 midnight February 12, 2024, unless surrendered or revoked.

Ladybird Brewing LLC
Ladybird Brewing
523 Main St
Winfield, Kansas 67156

Witness my hand and the Corporate Seal of said City this 2nd day of February 2022.



Brenda Peters
Brenda Peters, City Clerk



Winfield
Correctional Facility

Southwestern
College

Island Park

Winfield Fairgrounds

Winfield

Walmart Supercenter

Club

Gilliland Ranch

El Maguey

Walnut River

Feast

Wickney

Wheat State Wine

Keyboard

[Pin](#)[Share](#)[More](#)[Fullscreen](#)

2021 Elrod's Cirque 50 Mile Race

By [Bobby Smith](#)

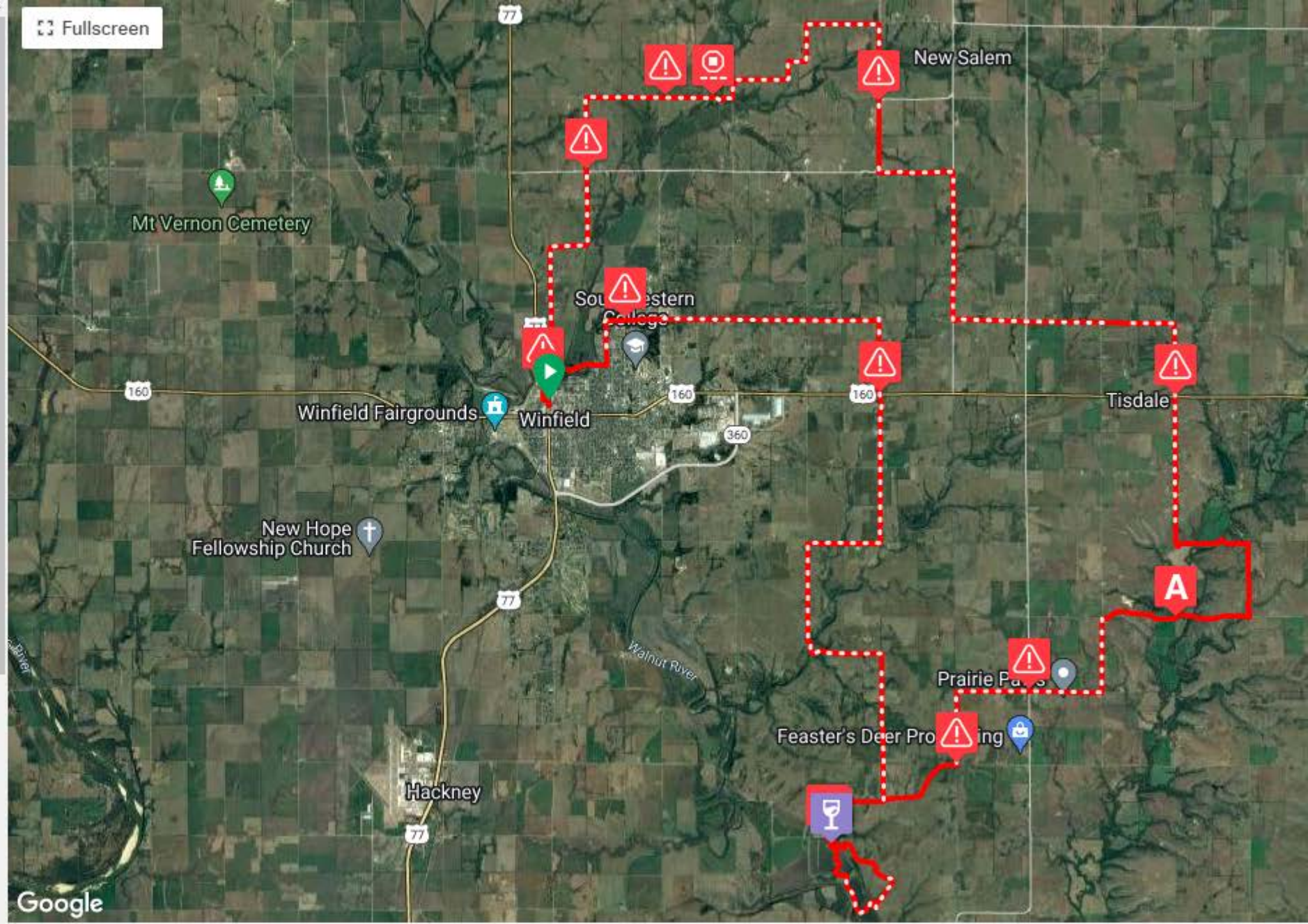
📍 50.4 mi + 2,375 ft ↗ 7.9 %
🕒 00:00 ⬆ - 2,374 ft ↘ -7.7 %

[Send to Device](#)

📍 Winfield, KS 🌐 Public (467 views)
✍ Created May 10, 2021 🔄 Updated May 10, 2021

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Request for Commission Action

Date: April 18, 2021

Requestor: Eryn Ebach Freund, Community Development Planner

Action Requested: Approval of a Right-Of-Way Use Agreement

Analysis: Brew Crew LLC, dba Scooter's Coffee has submitted preliminary plans for the construction of a new drive-through-coffee shop at 1802 Main Street. Due to corporate requirements for the site, the local Scooter's owner has requested to construct and maintain seven off-street parking stalls within the right-of-way of E. 18th Avenue. This agreement provides the parameters for the construction and maintenance of the seven parking stalls.

Fiscal Impact: None. The agreement requires the owner of the property to construct and maintain the improvement, therefore the City shall not be responsible for any associated costs.

Attachments: Proposed Resolution & Agreement

A RESOLUTION

AUTHORIZING the Mayor and the City Clerk of the City of Winfield, Kansas to execute a right-of-way use permit agreement between the City of Winfield, Kansas, and Brew Crew LLC, dba Scooter's Coffee to construct and maintain parking within the right-of-way.

WHEREAS, the Owner wishes to improve their property and construct a new drive-through coffee shop at the property located at 1802 Main Street.

WHEREAS, the location of said improvements will encroach on the right-of-way of the City along the right-of-way of East Eighteenth Avenue adjacent to S28, T32, R04, PT SW1/4 BEG N186.8 & W213.8 & N75.6 FROM SE COR, N89.4, E125. 73,S40.60, SWLY 76.51, W68.75 TO POB; and,

WHEREAS, the City and the Owner are agreeable to the Owner receiving a right-of-way use permit to construct and maintain said improvement on the right-of-way of the City,

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

Section 1. The Mayor and the Clerk of the City of Winfield, Kansas, are hereby authorized and directed to execute a right-of-way use permit agreement between the City of Winfield, Kansas, and Brew Crew LLC, dba Scooter's Coffee, Sarah Kromer, CEO; a copy of which is attached hereto and made a part hereof.

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

ADOPTED this 18th day of April 2022.

(SEAL)

Ronald E. Hutto, Mayor

ATTEST:

Brenda Peters, City Clerk

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

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

RIGHT-OF-WAY USE PERMIT AGREEMENT

This Agreement made and entered into by and between the City of Winfield, Kansas hereinafter referred to as “City” and Brew Crew LLC, dba Scooter’s Coffee, Sarah Kromer, Chief Executive Officer, hereinafter referred to as “Owner”

WHEREAS, the Owner wishes to improve their property and construct a new drive-through coffee shop at the property located at 1802 Main Street.

WHEREAS the location of the improvements will encroach on the right-of-way of City along the right-of-way of **E. 18th Ave.** adjacent to said property; and

WHEREAS the City and the Owner are agreeable to the Owner receiving a right-of-way use permit to construct and maintain said improvement on the right-of-way of City.

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, City does hereby grant a right-of-way use permit to the Owner to construct and maintain **seven parking stalls** within the following right-of-way held by City:

The right-of-way of East Eighteenth Avenue adjacent to S28 , T32 , R04 , PT SW1/4 BEG N186.8 & W213.8 & N75.6 FROM SE COR,N89.4,E125. 73,S40.60,SWLY 76.51,W68.75 TO POB

ADDITIONAL CONSIDERATION:

1. A temporary easement is hereby granted to the Owner along adjoining portions of City right-of-way for the purpose of constructing the improvement. This temporary easement will expire upon the completion date of the proposed improvements.

2. The Owner shall return the surface of City right-of-way excepting the improvements specified herein to the same or better condition as was found prior to construction.

Dated this _____ day of _____, 2022.

Sarah Kromer, CEO
Brew Crew LLC, dba Scooter’s Coffee

STATE OF KANSAS, COWLEY COUNTY, SS.

On this _____ day of _____, 2022, before me a notary public in and for said county and state, personally appeared _____ to me known to be the person named in and who executed the foregoing instrument, and duly acknowledged the execution thereof.

Notary Public

My commission expires:

Accepted this _____ day of _____ 2022, by Resolution No. _____ of the Governing Body of the City of Winfield, Kansas.

Ronald E. Hutto, Mayor

ATTEST:

Brenda Peters, City Clerk